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TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[Amdt. 6]

PART 713—COUNTY AND COMMUNITY COMMITTEES

SUBPART—SELECTION AND FUNCTIONS OF PRODUCTION AND MARKETING ADMINISTRATION COUNTY AND COMMUNITY COMMITTEES

LOCATION OF COUNTY OFFICES

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act, as amended, the regulations pertaining to the Selection and Functions of Production and Marketing Administration County and Community Committees, as amended (14 F. R. 5916, 15 F. R. 4262, 16 F. R. 6998, 17 F. R. 5057, 17 F. R. 5689, 17 F. R. 9687) are hereby amended by revising § 713.33, and the section is revised to read:

§ 713.33 *Location.* The office of the county committee shall be located in a place selected by the county committee, subject to the approval of the State Committee. In selecting the location of the county office, consideration shall be given to convenience to farmers, accessibility to other Federal, State and county agricultural agencies, adequacy of space and economy of operations.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d)

Done at Washington, D. C., this 12th day of February 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-1564; Filed Feb. 16, 1953; 8:52 a. m.]

[1023 (Cigar-Leaf-53)-3, Amdt. 2]

PART 723—CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND CIGAR-BINDER TOBACCO

MARKETING QUOTA REGULATIONS, 1953-54 MARKETING YEAR; TIME FOR FILING APPLICATION

The amendment herein is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U. S. C. 1311-1314) and is made for the purpose of amending § 723.424 of the Cigar-filler and Binder tobacco marketing quota regulations, 1953-54 marketing year, to extend to March 14, 1953, the date for filing applications for new farm allotments. Prior to the adoption of this amendment, notice was given (18 F. R. 632) that the Secretary was considering amending the regulations in line with this amendment and that any interested person might express his views in writing in respect thereto. The data, views, and recommendations received pursuant to the notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

The Cigar-filler and Binder Tobacco Marketing Quota Regulations, 1953-54 Marketing Year, are amended by changing § 723.424 to read as follows:

§ 723.424 *Time for filing application.* An application for a new farm allotment shall be filed with the county committee no later than March 14, 1953, unless the farm operator was discharged from the armed services subsequent to December 31, 1952, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 313, 52 Stat. 47, as amended; 7 U. S. C. 1313)

Done at Washington, D. C., this 12th day of February 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-1563; Filed, Feb. 16, 1953; 8:52 a. m.]

CONTENTS

FEDERAL REGISTER

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CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 231]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.617 *Orange Regulation 231*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 23, 1953. Shipments of oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until February 23, 1953; the recommendation and supporting information for continued regulation subsequent to February 22 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 10; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order* (1) During the period beginning at 12:01 a. m., e. s. t., February 23, 1953, and ending at 12:01 a. m., e. s. t., March 2, 1953, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "standard pack," "container" and "standard nailed box" shall each have the same meaning as when used in the revised United States Standards for Florida Oranges (§ 51.302 of this chapter; 17 F. R. 7879).

(3) Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 225 (7 CFR 933.596; 17 F. R. 10438).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 12th day of February 1953.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-1567; Filed, Feb. 16, 1953; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR-391]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

SPECIAL CIVIL AIR REGULATION; APPLICATION OF TRANSPORT CATEGORY PERFORMANCE REQUIREMENTS TO C-46 TYPE AIRPLANE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 12th day of February 1953.

On January 31, 1952, the Civil Aeronautics Board issued an emergency Special Civil Air Regulation (SR 379) which limited to 45,000 pounds the maximum take-off and landing weight for all C-46 type airplanes used for the carriage of passengers for remuneration or hire. Concurrently the Board issued a notice of proposed rule making to inqure into the advisability and feasibility of applying performance requirements to C-46 type airplanes used for such purpose based on a modification of the transport category performance requirements set forth in Part 4b of the Civil Air Regulations. Previously, on July 6, 1951, the Board had issued a notice of proposed rule making which had proposed a somewhat different modification of the standards applicable to the C-46 when so used. It was at that time proposed that the maximum take-off weight should not be in excess of that which would allow a zero rate of climb at sea level in take-off configuration with the landing gear retracted and the critical engine inoperative and its propeller windmilling. Following the issuance of this proposed rule and after requests by various interested parties, the Board instituted and set down for hearing an inquiry into matters relating to the safe allowable operating weight of C-46 airplanes (Docket No. 5107). The examiner's report in this proceeding was issued on January 22, 1952. Oral argument with respect to issues in that proceeding and those raised by the January 31, 1952 notice of proposed rule making was heard by the Board on March 27, 1952.

These various steps with respect to the C-46 arose out of continuing Board concern with the safety operational aspects of the C-46. In August 1950, a committee composed of CAA and CAB staff members was formed to study C-46 safety problems. One of the recommen-

dations of this committee was that flight tests using Part 4b test procedures be conducted to determine at what weight the C–46 would comply with the performance provisions of Part 4b.

Flight tests for this purpose were conducted by the CAA early in 1951. In addition to determining the weight at which the C–46 would meet the performance requirements of Part 4b, the CAA used the data thus developed to reevaluate the performance of the C–46 with respect to the requirements of Part 3 of the Civil Air Regulations under which it was originally certificated. Subsequently, on July 6, 1951, the Board proposed the application to the C–46 of a new standard of a zero rate of climb at sea level with the critical engine inoperative, to become effective after October 1, 1952. Data resulting from the flight tests conducted by the CAA indicated that the weight at which such new standard would be met would not exceed 43,500 pounds for C–46 aircraft equipped with Pratt & Whitney R–2800 series engines. The Board also proposed to prescribe an interim maximum weight of 45,800 pounds for C–46 airplanes equipped with similar engines until the proposed new standard became effective.

During December 1951 and January 1952 it became increasingly apparent, as a result of additional accidents involving C–46 airplanes and investigations of operations conducted by certain air carriers, that some immediate action was necessary in order to give full protection to the traveling public. Therefore, Special Civil Air regulation SR–379 was adopted by the Board as an emergency measure to limit the weight at which C–46 aircraft might be operated while carrying passengers for hire. The concurrent notice of proposed rule making proposed that the standard to be made applicable to the C–46 be that of the performance requirements of Part 4b modified to the extent that the second segment of the take-off climb should assume the landing gear to be retracted but with the propeller of the inoperative engine feathered rather than windmilling. The maximum emergency weight of 45,000 pounds, as set forth in Special Civil Air Regulation SR–379, was based on the standard proposed in the concurrent notice of proposed rule making and was chosen as a good approximation for the purposes of the emergency regulation.

The Civil Air Regulations provide at the present time that all large airplanes used for the carriage of passengers for hire after December 31, 1953, must comply with either the requirements of Part 4b or the transport category requirements of Part 4a, and further must be operated in accordance with transport category operating limitations. The Board has had under consideration for some time a proposal which would eliminate this requirement, thus making it inapplicable to the C–46, among other aircraft.

As a result of the developments outlined above, there are now pending before the Board two separate but related problems involving the C–46. These are:

First, there is the question of the permanent standards which should be made applicable to all aircraft used in air transport operations which do not comply with Part 4b or with the transport category requirements of Part 4a. While this question is one which will not be finally decided until the Board acts upon its rule-making proposal referred to above, our review of the C–46 performance capabilities has led us to the conclusion that there should be no general exemption from these requirements, particularly with respect to the take-off performance requirements at sea level. Therefore, on and after January 1, 1954, the C–46 will be required to comply in full with such take-off performance requirements, together with such additional standards of the transport category as the Board may decide are necessary in the interest of safety for nontransport category aircraft.

Second, we must decide the interim standards to be applicable to the C–46 during the period between now and January 1, 1954. Part 42 now authorizes the use of the C–46 in passenger-carrying transport operations pursuant to certification under Part 3 of the Civil Air Regulations. The applicable standards do not contain any requirements such as those found in Part 4b relating to single-engine performance on take-off. Available data indicate that the take-off weight, without any engineering changes to increase its performance, at which the C–46 could comply with the performance standards of Part 4b would be approximately 36,000 pounds at sea level. Operation of the aircraft in passenger-carrying service during the interim period prior to January 1, 1954, without complying with any requirements as to performance on take-off would represent too great a departure from the standards of safety which will become fully applicable upon that date. Therefore, in order to provide a higher level of safety during the interim period, we believe that the C–46 when engaged in passenger-carrying operations, should conform to the sea level take-off performance standards of Part 4b to as great an extent as is now reasonable. We shall therefore make such standards applicable, with the exception that during the second segment of the take-off climb, the propeller of the inoperative engine shall be assumed to be feathered. This will provide a substantial step toward the protection accorded by Part 4b, while at the same time giving the operators of the C–46 a reasonable opportunity to adjust to the more comprehensive standards thereof.

A further problem which confronts the Board is what weight shall be applicable to the C–46 in passenger-carrying operations during the period until the Administrator establishes a precise weight under the modified Part 4b standards provided herein. The aircraft, as previously noted, is now operating at a take-off weight of 45,000 pounds in passenger operations pursuant to the emergency regulation of January 31, 1952. One alternative would be to continue that regulation in effect pending the necessary determinations by the Administrator. However, we believe that on further analysis of the data before us certain modifications should be made in the 45,000 pound figure as a temporary standard.

The only flight tests for climb performance of the C–46 which have been made in the configuration herein required—that is, with wheels and flaps up, the critical engine inoperative and its propeller feathered, and the operating engine developing maximum take-off power—have been performed by the Civil Aeronautics Administration. Data covering these tests were introduced in the proceeding hereinbefore referred to, but were challenged as to accuracy. The Board finds with respect to these specific tests that the techniques and instrumentation employed were not so at variance with accepted engineering practice as to impeach such data and make their use unreasonable. The Board further finds such data have been accurately adjusted to reflect climb performance under standard conditions. However, since the tests were conducted for the purpose of determining the performance capabilities of the C–46 under the transport category requirements, no tests were performed at weights which would be permitted under the less severe standards provided in this regulation for the interim period until January 1, 1954. Such provisional interim weight must therefore be determined by extrapolation. While the Board recognizes that extrapolation to the extent necessary for this purpose goes beyond conservative engineering practice, it is of the opinion that, in the absence of more direct test data, its use is reasonable for this purpose and that the result thus produced is neither arbitrary nor capricious. The only other alternative the Board has in fixing this provisional interim weight is to employ the test data, also on file in the aforementioned proceeding, developed in the Pan American C–46 certification tests conducted at 48,300 pounds and at maximum continuous power instead of maximum rated take-off power. The Board believes that the extrapolation which use of these test data would require in order to arrive at the weight permitted under the more severe standard herein prescribed would not be as likely to produce an accurate result as would the extrapolation of the CAA climb test data.

In addition to the foregoing there must also be considered the question of the stalling speed of the C–46 in the wheels and flaps up, zero thrust configuration, since the standard herein prescribed is a function of the stalling speed. Two sets of data as to stalling speed are available to the Board, the first obtained in the Civil Aeronautics Administration tests; the second in the Pan American C–46 certification tests, both referred to above. After examination of both sets of data, the Board is unable to find that the CAA data were obtained under conditions more likely to insure accuracy than the Pan American data. Consequently, in order not to prejudice C–46 operators by prescribing a weight more limited than necessary to meet the standard hereby established, the Board

will utilize the Pan American stall test data in arriving at the provisional interim weight.

Application of the foregoing principles will produce the following results: If CAA test data for both climb and stall are used the provisional interim allowable take-off weight would be 43,600 pounds. If Pan American climb and stall test data are used, the result would be 45,400 pounds. If CAA climb data and Pan American stall data are used, the result would be 44,300 pounds. For the reasons stated above, we prefer the use of the third alternative, and the provisional interim weight will be established at 44,300 pounds.

One of the recommendations made to the Board by the Council for C–46 Engineering is that a modification of the hydromatic propeller used on the C–46 by shortening the blades should be required by appropriate regulation and the effect of the modified propeller taken into account in determing the appropriate take-off weight for that aircraft. It is our understanding that this modification either already has been accomplished or is being planned by most operators of C–46 aircraft. Flight tests with this modified propeller indicate that an increased performance may be expected from its use which would result in an increased level of safety for C–46 aircraft. It is not now possible to translate precisely this increased performance into pounds of weight under the modified Part 4b performance standard prescribed for the C–46. However, the Administrator has advised us that the data before him as a result of tests comparing the performance of the clipped and unclipped propellers indicate that an allowance of an additional thousand pounds weight for the C–46 aircraft equipped with the modified propeller would be reasonable to reflect the increased performance to be expected therefrom, until some applicant demonstrates to the Administrator that a different allowance is proper. In view of the foregoing, the Board finds that allowance of 1,000 pounds additional weight for C–46 aircraft equipped with the clipped propeller will be reasonable during the temporary period provided in this regulation.

The promulgation of this Special Regulation makes moot the questions raised with respect to the July 6, 1951, notice of proposed rule making together with the proceeding in Docket No. 5107 since revised operating standards are hereby established.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented.

Accordingly, the Civil Aeronautics Board hereby promulgates a Special Civil Air Regulation, effective April 1, 1953, to read as follows:

1. Prior to January 1, 1954, C–46 type airplanes when used for the carriage of passengers for remuneration or hire shall not be operated at weights exceeding those which it is demonstrated to the Administrator will allow compliance with the performance requirements of Part 4b except that in determining the maximum take-off weight, such weight shall be limited only to a value at which the airplane has a rate of climb equal to 0.035 V_{S_1}[2] in the take-off configuration at sea level with the landing gear retracted but with the propeller of the inoperative engine feathered rather than windmilling.

2. Provisionally, pending a determination by the Administrator of the weights at which C–46 aircraft will meet the standards prescribed by paragraph 1 of this regulation, the maximum take-off weight of such aircraft, when used in the manner herein referred to, shall not exceed 44,300 pounds: *Provided*, That in the case of such aircraft equipped with Hamilton Standard propellers with blades serial number 6491A–9 or approved equivalent which have been clipped in accordance with specifications approved by the Administrator, such provisional maximum weight shall be increased by 1,000 pounds until such time as the Administrator shall have determined by suitable tests another value to correspond to the additional efficiency obtainable by the use of such propellers, and thereafter by such other value.

3. This regulation shall be effective until superseded or rescinded by the Board. Special Civil Air Regulation SR–379 is hereby suspended and shall remain suspended so long as this regulation shall continue in effect, or until the further order of the Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 1005, 54 Stat. 1007, 1010, 1023; 49 U. S. C. 551, 554, 645)

By the Civil Aeronautics Board.[1]

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53–1560; Filed, Feb. 16, 1953; 8:51 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 5]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required. Part 600 is amended as follows:

1. Section 600.213 is amended by changing the headnote to read: *Red civil airway No. 13 (Wheeling, W Va., to Boston, Mass.)*, and by amending the first portion to read: "From the Wheeling, W. Va., outer marker compass locator via the Clinton, Pa., non-directional radio beacon; Butler, Pa., non-directional radio beacon to the Philipsburg, Pa., radio range station."

2. Section 600.272 *Red civil airway No. 72 (Millville, N. J., to Idlewild, N. J.)* is amended by changing the portion which reads: "via the Willow Grove, Pa., radio range station to the intersection of the northeast course of the Willow Grove, Pa., radio range and the east course of the Allentown, Pa., radio range." to read: "via the Willow Grove, Pa., radio range station; the intersection of the northeast course of the Willow Grove, Pa., radio range and the east course of the Allentown, Pa., radio range; the Chatham, N. J., non-directional radio beacon to the Paterson, N. J., non-directional radio beacon."

3. Section 600.647 is amended by changing the headnote to read: *Blue civil airway No. 47 (Blackstone, Va., to Dunkirk, N. Y.)* and by adding a first portion to read: "From the intersection of the northeast course of the Raleigh, N. C., radio range and the south course of the Blackstone, Va., radio range via the Blackstone, Va., radio range station to the Gordonsville, Va., radio range station."

4. Section 600.1001 *Dubois, Idaho, to West Yellowstone, Mont., civil airway,* is revoked.

5. Section 600.6004 *VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.)* is amended by changing the last portion to read: "From the Charleston, W. Va., omnirange station via the Elkins, W. Va., omnirange station; Front Royal, Va., omnirange station to the Herndon, Va., omnirange station."

6. Section 600.6035 is amended to read:

§ 600.6035 *VOR civil airway No. 35 (Charleston, W Va., to Syracuse, N. Y.).* From the Charleston, W Va., omnirange station via the Parkersburg, W. Va., omnirange station; intersection of the Parkersburg 060° True and the Pittsburgh, omnirange 223° True radials; Pittsburgh, Pa., omnirange station; Philipsburg, Pa., omnirange station; Elmira, N. Y., omnirange station to the Syracuse, N. Y., omnirange station.

7. Section 600.6038 is amended to read:

§ 600.6038 *VOR civil airway No. 38 (Chicago Heights, Ill., to Elkins, W Va.)* From the Chicago Heights, Ill., omnirange station via the Fort Wayne, Ind., omnirange station, including a south alternate; Findlay, Ohio, omnirange station, including a south alternate; Columbus, Ohio, omnirange station, including a south alternate; Parkersburg, W. Va., omnirange station to the Elkins, W Va., omnirange station.

8. Section 600.6039 is amended by changing the headnote to read: *VOR civil airway No. 39 (Gordonsville, Va., to Kennebunk, Maine)* and by changing the last portion to read: "From the intersection of the Baltimore, Md., omnirange 015° True and the Allentown, Pa., omnirange 228° True radials via the Allentown, Pa., omnirange station; Poughkeepsie, N. Y., omnirange station; Gardner, Mass., omnirange station; Concord, N. H., omnirange station to the Kennebunk, Maine, omnirange station."

[1] Member Adams did not participate in this decision.

9. Section 600.6040 *VOR civil airway No. 40 (Flint, Mich., to Pittsburgh, Pa.)* is amended after Wellington, Ohio, VHF VAR station to read: "The intersection of the Cleveland omnirange 132° True radial and the east course of the Wellington, Ohio, VHF VAR station; the intersection of the Cleveland 132° True and the Pittsburgh 291° True radials to the Pittsburgh, Pa., omnirange station."

10. Section 600.6041 is amended to read:

§ 600.6041 *VOR civil airway No. 41 (Pittsburgh, Pa., to Youngstown, Ohio)* From the Pittsburgh, Pa., omnirange station via the intersection of the Pittsburgh omnirange 326° True and the Youngstown 180° True radials to the Youngstown, Ohio, omnirange station.

11. Section 600.6042 is amended to read:

§ 600.6042 *VOR civil airway No. 42 (Detroit, Mich., to Pittsburgh, Pa.)* From the Detroit, Mich., omnirange station via the intersection of the Detroit omnirange 096° True and the Cleveland 331 True radials; Cleveland, Ohio, omnirange station; the intersection of the Cleveland omnirange 116° True and the Pittsburgh omnirange 311° True radials to the Pittsburgh, Pa., omnirange station.

12. Section 600.6044 is amended to read:

§ 600.6044 *VOR civil airway No. 44 (Columbus, Ohio, to Baltimore, Md.)* From the Columbus, Ohio, omnirange station via the Parkersburg, W Va., omnirange station; Morgantown, W Va., omnirange station; Martinsburg, W Va., omnirange station to the Baltimore, Md., omnirange station.

13. Section 600.6046 *VOR civil airway No. 46 (Cleveland, Ohio, to Pittsburgh, Pa.)* is revoked.

14. Section 600.6072 is amended to read:

§ 600.6072 *VOR civil airway No. 72 (Bradford, Pa., to Albany, N. Y.)* From the intersection of the Elmira, N. Y., omnirange 254° True and the Buffalo, N. Y., 178° True radials via the Elmira, N. Y., omnirange station; Binghamton, N. Y., omnirange station to the Albany, N. Y., omnirange station.

15. Section 600.6075 is amended to read:

§ 600.6075 *VOR civil airway No. 75 (Petersburg, W Va., to Cleveland, Ohio.)* From the point of intersection of the Morgantown, W Va., omnirange 134° True and the Elkins, W Va., omnirange 083° True radials via the Morgantown, W Va., omnirange station; Wheeling, W Va., omnirange station to the Cleveland, Ohio, omnirange station.

16. Section 600.6111 is amended to read:

§ 606.6111 *VOR civil airway No. 111 (Salinas, Calif., to Los Banos, Calif.)* From the Salinas, Calif., omnirange station to the point of intersection of the San Francisco omnirange 111° True and the Salinas omnirange 049° True radials.

17. Section 600.6119 is added to read:

§ 600.6119 *VOR civil airway No. 119 (Parkersburg, W Va., to Wheeling, W Va.)* From the Parkersburg, W Va., omnirange station to the Wheeling, W Va., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001, e. s. t., February 17, 1953.

[SEAL] F B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 53-1557; Filed, Feb. 16, 1953; 8:50 a. m.]

[Amdt. 4]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required. Part 601 is amended as follows:

1. Section 601.213 is amended to read:

§ 601.213 *Red civil airway No. 13 control areas (Wheeling, W Va., to Boston, Mass.)* All of Red civil airway No. 13.

2. Section 601.647 is amended to read:

§ 601.647 *Blue civil airway No. 47 control areas (Blackstone, Va., to Dunkirk, N. Y.)* All of Blue civil airway No. 47.

3. Section 601.1326 is added to read:

§ 601.1326 *Control area extension (Fortuna, Calif.)* Within 5 miles either side of the 18° True radial of the Fortuna omnirange extending from the omnirange station to a point 30 miles northeast.

4. Section 601.1327 is added to read:

§ 601.1327 *Control area extension (Crescent City, Calif.)* Within 5 miles either side of the 330° True and 235° True radials of the Crescent City omnirange extending from the omnirange station to points 20 miles northwest and southwest.

5. Section 601.1328 is added to read:

§ 601.1328 *Control area extension (Oxnard, Calif.)* All that airspace bounded on the northeast by Amber civil airway No. 8, on the east by Longitude 119°11'30" on the south by a line 2 miles north of and parallel to the Point Magu Warning Area (W-289) on the west by Longitude 120°00'00" and on the northwest by Control Area Extension No. 1176, excluding the airspace below 4000 feet lying within the Santa Cruz Island Warning Area (W-412)

6. Section 601.1984, *Five-mile radius zones,* is amended by adding the following airports:

Salisbury, Md.. Wicomico County Airport.
Crescent City, Calif.. Del Norte County Airport.
Arcata, Calif.. Arcata Airport.
Blythe, Calif.. Blythe Airport.
Yuma, Ariz.. Yuma County Airport.

7. Section 601.2104 is amended to read:

§ 601.2104 *Huntington, W Va., control zone.* Within a 5-mile radius of Huntington Airport, Chesapeake, Ohio, within a 5-mile radius of Tri State Airport, Huntington, W Va., within 2 miles either side of the west course of the Huntington radio range extending to a point 10 miles west of the radio range station, and within 2½ miles either side of the northwest course of the Huntington radio range extending to a point 10 miles northwest of the radio range station.

8. Section 601.2118 is amended to read:

§ 601.2118 *Langley AFB, Va., control zone.* Within a 5-mile radius of the Langley AFB and within a 5-mile radius of Patrick Henry Airport including the airspace lying 5 miles southwest of and parallel to a line connecting the centers of Langley AFB and Patrick Henry Airport, excluding the portion which overlaps danger areas.

9. Section 601.2190 is amended to read:

§ 601.2190 *Atlantic City, N. J., control zone.* Within a 7-mile radius of the Naval Air Station extending 2 miles on the southwest side of the southeast course of the Atlantic City, N. J., radio range to and including the airspace bounded on the west by a line bearing 174° True from the Naval Air Station, bounded on the southeast by a line lying 3 nautical miles off-shore, and bounded on the northeast by a line bearing 112° True from the Naval Air Station.

10. Section 601.4013 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.)* is amended by deleting the following reporting point: "the intersection of the east course of the Cheyenne, Wyo., radio range and the southwest course of the Scottsbluff, Nebr., radio range;"

11. Section 601.4107 *Amber civil airway No. 7 (Key West, Fla., to United States-Canadian Border)*, is amended by deleting the following reporting point: "the intersection of the southwest course of the Richmond, Va., radio range and the southeast course of the Blackstone, Va., radio range;" and by adding the following reporting point in lieu thereof: "the intersection of the northeast course of the Raleigh, N. C., radio range and the south course of the Blackstone, Va., radio range;"

12. Section 601.4213 is amended by changing the headnote to read: *"Red civil airway No. 13 (Wheeling, W Va., to Boston, Mass.).*

13. Section 601.4227 is amended to read:

§ 601.4227 *Red civil airway No. 27 (Atlanta, Ga., to Detroit, Mich.).* Corbin, Ky., radio range station; the intersection of the east course of the Louisville, Ky., radio range and a line bearing 358° from the Lexington, Ky., nondirectional radio beacon; Dayton, Ohio radio range station.

14. Section 601.4647 is amended by changing the headnote to read: *Blue civil airway No. 47 (Blackstone, Va., to Dunkirk, N. Y.).*

15. Section 601.6035 is amended to read:

§ 601.6035 *VOR civil airway No. 35 control areas (Charleston, W Va., to Syracuse, N. Y.)* All of VOR civil airway No. 35.

16. Section 601.6038 is amended to read.

§ 601.6038 *VOR civil airway No. 38 control areas (Chicago Heights, Ill., to Elkins, W Va.)* All of VOR civil airway No. 38 including south alternates.

17. Section 601.6039 is amended to read:

§ 601.6039 *VOR civil airway No. 39 control areas (Gordonsville, Va., to Kennebunk, Me.).* All of VOR civil airway No. 39.

18. Section 601.6044 is amended to read:

§ 601.604 *VOR civil airway No. 44 control areas (Columbus, Ohio, to Baltimore, Md.).* All of VOR civil airway No. 44.

19. Section 601.6046 *VOR civil airway No. 46 control areas (Cleveland, Ohio, to Pittsburgh, Pa.)* is revoked.

20. Section 601.6072 is amended to read:

§ 601.6072 *VOR civil airway No. 72 control areas (Bradford, Pa., to Albany, N. Y.).* All of VOR civil airway No. 72.

21. Section 601.6075 is amended to read:

§ 601.6075 *VOR civil airway No. 75 control areas (Petersburg, W. Va., to Cleveland, Ohio.)* All of VOR civil airway No. 75.

22. Section 601.6119 is amended to read:

§ 601.6119 *VOR civil airway No. 119 control areas (Parkersburg, W Va., to Wheeling, W Va.)* All of VOR civil airway No. 119.

23. Section 601.7001 *VOR reporting points,* is amended by adding the following reporting points:

Charleston, W. Va., omnirange station.
Parkersburg, W. Va., omnirange station.
Wheeling, W. Va., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001, e. s. t., February 17, 1953.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 53-1558; Filed, Feb. 16, 1953; 8:50 a. m.]

[Amdt. 49]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

In § 608.36, a Sahwave Mountains, Nevada area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
SAHWAVE MOUNTAINS (D-420) (Elko Chart).	Beginning at lat. 40°49'00" N., long. 116°49'00" W., due S. to lat. 40°04'00" N; WSW. to lat. 40°00'00" N., long. 116°57'00" W., due W. to long. 116°13'00" W., due N. to lat. 40°40'00" N.; due E. to lat. 40°49'00" N., long. 116°49'00" W., point of beginning.	Surface to unlimited.	Continuous....	12th Naval District.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on February 20, 1953.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 53-1559; Filed, Feb. 16, 1953; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5813]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BENJAMIN B. COLE, INC., ET AL.

Subpart—*Misrepresenting oneself and goods—Business status, advantages or connections:* § 3.1395 *Connections and arrangements with others;* § 3.1425 *Government connection;* § 3.1490 *Nature in general.* Subpart—*Offering unfair improper and deceptive inducements to purchase or deal:* § 3.2080 *Terms and conditions.* Subpart—*Using misleading name—Vendor:* § 3.2380 *Government connection;* § 3.2425 *Nature, in general.* In connection with the use in commerce, of so-called "skip tracer" form letters, double reply post cards, and any other printed matter of a substantially similar nature, (1) using the name "Dispatch Forwarding System" or any other word or words of similar import, to designate, describe, or refer to respondents' business; or otherwise representing, directly or by implication, that respondents are connected with or in the business of transporting or delivering goods or mail to the proper recipients thereof, or that they maintain an unclaimed-package department; (2) representing, directly or by implication, that persons concerning whom information is sought through respondents' post cards, form letters, or other material are, or may be, consignees of goods, or packages, or mail, prepaid or otherwise, in the hands of respondents, or that the information sought through such means is for the purpose of enabling respondents to make delivery of goods or packages or mail to such persons; (3) using the name "Federal Deposit System" or any other word or phrase of similar import to designate, describe or refer to respondents' business; or otherwise representing, directly or by implication, that their requests for information concerning delinquent debtors are from the United States Government or any agency or branch thereof, or that their business is in any way connected with the United States Government; (4) representing, directly or by implication, that any money has been deposited with them for persons from whom or about whom information is sought; (5) representing, directly or by implication, that they sponsor, or have any connection with, any radio program or show unless such is a fact; (6) representing through the use of the said Thomas Webster form letters, or otherwise, that any person from whom or about whom information is sought has been awarded a gift or prize, or that such person will receive a gift or prize by furnishing the information requested; or, (7) representing, directly or by implication, that respondents' business is other than that of operating a collection agency prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Benjamin B. Cole, Inc., et al., Portland, Oreg., Docket 5813, November 10, 1952]

In the matter of Benjamin B. Cole, Inc., a Corporation Trading and Doing Business as Dispatch Forwarding System, Federal Deposit System, and Other Trade Names; Herman N. Cole, Individually and as President of Benjamin B. Cole, Inc., and Hannah H. Cole, Individually and as an Officer of Benjamin B. Cole, Inc.

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on September 20, 1950, issued and subsequently served its complaint in this proceeding upon respondents Benjamin B. Cole, Inc., a corporation, Herbert M. Cole (erroneously named in the complaint as Herman N. Cole), and Hannah F Cole (erroneously named in the complaint as Hannah H. Cole), charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of respondents' answer thereto, hearings were held at which testimony and other evidence in support of the complaint were

introduced before a hearing examiner theretofore duly designated by it, and such testimony and other evidence were duly recorded and filed in the office of the Commission. No testimony or other evidence was offered in opposition to the allegations of the complaint. On December 28, 1950, the said hearing examiner filed his initial decision.

Respondents filed an appeal with the Commission from said initial decision, and counsel supporting the complaint filed a motion to reopen and remand the case to the hearing examiner for the taking of additional testimony. The Commission, on September 6, 1951, entered its order granting in part and denying in part respondents' said appeal and remanding the case to the hearing examiner for the purpose of taking additional testimony concerning one of the issues in the case. Additional testimony and other evidence in support of the complaint were introduced before a substitute hearing examiner of the Commission theretofore duly designated by it, counsel having agreed to a substitution of hearing examiners for the purpose of taking and receiving such additional testimony and other evidence, and such additional testimony and other evidence were also duly recorded and filed in the office of the Commission. The original hearing examiner, on February 14, 1952, filed a certification of record to the Commission for final determination.

Thereafter, this matter came on for final consideration by the Commission upon the complaint, answer thereto, testimony and other evidence in support of the complaint, initial decision of the hearing examiner and respondents' appeal therefrom, and the hearing examiner's certification of the record to the Commission for final determination; and the Commission, having duly considered the matter and having heretofore entered its order granting in part and denying in part respondents' appeal from the initial decision of the hearing examiner, and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts,[1] conclusion drawn therefrom,[1] and order, the same to be in lieu of the said initial decision of the hearing examiner.

It is ordered, That respondent Benjamin B. Cole, Inc., a corporation, its officers other than Hannah F Cole, and Herbert M. Cole, individually and as president of respondent corporation, and their representatives, agents, and employees, directly or through any corporate or other device, in connection with the use in commerce, as "commerce" is defined in the Federal Trade Commission Act, of so-called "skip tracer" form letters, double reply post cards, or any other printed matter of a substantially similar nature, do forthwith cease and desist from:

1. Using the name "Dispatch Forwarding System" or any other word or words of similar import, to designate, describe, or refer to respondents' business; or otherwise representing, directly or by implication, that respondents are connected with or in the business of transporting or delivering goods or mail to the proper recipients thereof, or that they maintain an unclaimed-package department.

2. Representing, directly or by implication, that persons concerning whom information is sought through respondents' post cards, form letters, or other material are, or may be, consignees of goods, or packages, or mail, prepaid or otherwise, in the hands of respondents, or that the information sought through such means is for the purpose of enabling respondents to make delivery of goods or packages or mail to such persons.

3. Using the name "Federal Deposit System" or any other word or phrase of similar import to designate, describe or refer to respondents' business; or otherwise representing, directly or by implication, that their requests for information concerning delinquent debtors are from the United States Government or any agency or branch thereof, or that their business is in any way connected with the United States Government.

4. Representing, directly or by implication, that any money has been deposited with them for persons from whom or about whom information is sought.

5. Representing, directly or by implication, that they sponsor, or have any connection with, any radio program or show unless such is a fact.

6. Representing through the use of the said Thomas Webster form letters, or otherwise, that any person from whom or about whom information is sought has been awarded a gift or prize, or that such person will receive a gift or prize by furnishing the information requested.

7. Representing, directly or by implication, that respondents' business is other than that of operating a collection agency.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to Hannah F Cole.

It is further ordered, That respondents Benjamin B. Cole, Inc., and Herbert M. Cole shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 10, 1952.

By the Commission.

[SEAL] WM. P GLENDENING, Jr.,
Acting Secretary.

[F. R. Doc. 53-1556; Filed, Feb. 16, 1953; 8:50 a. m.]

[1] Filed as part of the original document.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53198]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

BAGGAGE OF, AND IMPORTATIONS FOR, CERTAIN REPRESENTATIVES OF THE UNITED NATIONS, OF SPECIALIZED AGENCIES OF THE UNITED NATIONS, AND OF THE ORGANIZATION OF AMERICAN STATES

Pursuant to Public Law 486, 82d Congress, a bilateral agreement has been entered into between the United States and the Organization of American States whereby the United States accords to certain representatives of member States of the Organization of American States the privileges and immunities accorded to diplomatic envoys accredited to the United States. To provide for customs privileges for these individuals and also to indicate that baggage of resident representatives of the United Nations and specialized agencies thereof falls within the purview of that section, § 10.30b, Customs Regulations of 1930 (19 CFR 10.30b) is amended to read as follows:

§ 10.30b *Baggage of, and importations for certain representatives of the United Nations, of specialized agencies of the United Nations, and of the Organization of American States.* (a) The privilege of admission free of duty and internal-revenue tax without entry or examination may be extended to the baggage and effects of (1) every person designated by a United Nations Member nation as the principal resident representative to the United Nations of such Member or as a resident representative with the rank of ambassador or minister plenipotentiary (2) such resident members of their staffs as may be agreed upon between the Secretary-General of the United Nations, the Government of the United States, and the Government of the United Nations Member concerned, (3) every person designated by a United Nations Member of a specialized United Nations agency as its principal resident representative, with the rank of ambassador or minister plenipotentiary at the headquarters of such agency in the United States, (4) such other principal resident representatives of United Nations Members to a specialized United Nations agency and such resident members of the staffs of representatives to a specialized United Nations agency as may be agreed upon between the principal executive officer of the specialized agency, the Government of the United States, and the Government of the United Nations Member concerned, (5) any person designated by a Member of the Organization of American States as its representative or interim representative on the council of the Organization of American States, and (6) all other permanent members of the Delegation of a Member of the Organization of American States regarding whom there is agreement for that purpose between the Government of the Member State concerned, the Secretary-General of the Organization of American States, and the Government of the United States of America.

(b) The privilege of importing without entry and free of duty and internal-revenue tax articles for their personal or family use may be granted to persons of the classes enumerated in paragraph (a) of this section.

(c) The privileges outlined in the two preceding paragraphs shall be granted only upon the Department's instruction in each instance, which will be issued only upon the request of the Department of State.

(R. S. 161, 251, secs. 498, 624, 46 Stat. 720, 759; 5 U. S. C. 22, 19 U. S. C. 66, 1498, 1624.

Interprets or applies sec. 15, 61 Stat. 762, Pub. Law 486, 82d Cong.)

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

Approved: February 9, 1953.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 53-1554; Filed, Feb. 16, 1953; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5987, Regs. 130]

PART 40—EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

TRANSITION FROM WAR PRODUCTION AND INCREASE IN PEACETIME CAPACITY

On November 15, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 10468) to conform Regulations 130 (26 CFR Part 40) to section 516 of the Revenue Act of 1951, approved October 20, 1951. No objections to the rules proposed having been received within the thirty days following such publication, the amendments set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately after section 509 (b) of the Revenue Act of 1951, which precedes § 40.435–1, the following:

SEC. 516. TRANSITION FROM WAR PRODUCTION AND INCREASE IN PEACETIME CAPACITY (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Technical amendments.* Section 435 (c) (relating to determination of average base period net income) is hereby amended as follows:

(1) By inserting immediately after "445 or 446," the following: "or any subsection of section 459,"

(2) By inserting immediately after "or under such section" the following: "or subsection"

PAR. 2. Section 40.435–1 (c) is amended by inserting "or any subsection of section 459," immediately after "or 446," and by inserting "or subsection" immediately after "under whichever section" in such section, so that such § 40.435–1 (c) as so amended will read as follows:

(c) *Average base period net income; determination.* The average base period net income is the amount determined under section 435 (d) (for computation, see paragraph (d) of this section), unless the taxpayer is entitled to the benefits of section 435 (e) 442, 443, 444, 445, or 446, or any subsection of section 459, in which case the average base period net income shall be the amount determined under whichever section or subsection, applicable to the taxpayer, results in the lowest excess profits tax for the taxable year.

PAR. 3. There is inserted immediately after § 40.458–8 the following:

SEC. 516. TRANSITION FROM WAR PRODUCTION AND INCREASE IN PEACETIME CAPACITY (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *In general.* Part I of subchapter D of chapter 1 is hereby amended by adding at the end thereof a new section to read as follows:

SEC. 459. MISCELLANEOUS PROVISIONS.

(a) *Average base period net income—transition from war production and increase in peacetime capacity.* In the case of a taxpayer which commenced business before January 1, 1940, and since such date has engaged primarily in manufacturing, the taxpayer's average base period net income determined under this subsection shall be the amount computed under section 435 (e) (2) (G) (i) and (ii) if—

(1) The adjusted basis of the taxpayer's total facilities (as defined in section 444 (d)) as of the beginning of its base period (when added to the total facilities at such time of all corporations with which the taxpayer has the privilege under section 141 of filing a consolidated return for its first taxable year under this subchapter) did not exceed $10,000,000;

(2) The basis (unadjusted) of the taxpayer's total facilities (as defined in section 444 (d)) at the close of its base period was 250 per centum or more of the basis (unadjusted) of its total facilities at the beginning of its base period;

(3) The percentage of the taxpayer's aggregate gross income which was from contracts with the United States and related subcontracts was (A) at least 70 per centum for the period comprising all taxable years beginning after December 31, 1941, and ending before January 1, 1946, (B) less than 20 per centum for the period comprising all taxable years ending after December 31, 1945, and before January 1, 1950, and (C) less than 20 per centum for the period comprising all taxable years ending after December 31, 1949, and beginning before July 1, 1950; and

(4) The average monthly excess profits net income of the taxpayer (computed in the manner provided in section 443 (c)) for—

(A) The period comprising all taxable years ending with or within the last 24 months of its base period, and

(B) The last taxable year ending before the first day of its base period,

are each 300 per centum or more of the average monthly excess profits net income (so computed) of the taxpayer for the period comprising all taxable years ending with or within the first 24 months of its base period.

* * * * *

SEC. 523. EFFECTIVE DATE OF TITLE V (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Except as otherwise provided in section 506 (d), the amendments made by this title (including sec. 516) shall be applicable only with respect to taxable years ending after June 30, 1950.

§ 40.459 (a)–1 *Transition from war production and increase in peacetime capacity.* (a) A corporation which commenced business before January 1, 1940, which has been engaged primarily in manufacturing since January 1, 1940, and which satisfies all the requirements provided in paragraphs (1) through (4) of section 459 (a) may compute its average base period net income under section 459 (a) for the purpose of computing its excess profits tax for any taxable year ending after June 30, 1950, instead of under any other applicable provision of the Code. The average base period net income computed under section 459 (a) shall be the amount computed under section 435 (e) (2) (G) (i) and (ii) and under § 40.435–5 (a) (7) (i) and (ii) and § 40.435–5 (b). If the taxpayer computes its average base period net income under section 459 (a) the base period capital addition provided in section 435 (f) shall not be allowed in computing its excess profits credit.

(b) The date the corporation commenced business shall be determined for the purpose of section 459 (a) under the rules provided in the regulations promulgated under section 445, relating to the computation of average base period net income in the case of new corporations. See § 40.445–1 (a) (2)

(53 Stat. 32; 26 U. S. C. 62)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: February 12, 1953.

ELBERT P. TUTTLE,
Acting Secretary of the Treasury.

[F. R. Doc. 53-1569; Filed, Feb. 16, 1953; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 44]

PART 1613—REGISTRATION PROCEDURES

ACCOMPLISHMENT OF REGISTRATION

The Selective Service Regulations are hereby amended as follows:

1. Section 1613.15 is amended to read as follows:

§ 1613.15 *Registration certificate.* After the Registration Card (SSS Form No. 1) is completed and signed, the registrar shall prepare, from information taken from the Registration Card (SSS Form No. 1), the Registration Certificate (SSS Form No. 2). The registrar shall never fill out the Registration Certificate (SSS Form No. 2) until after completely finishing the Registration Card (SSS Form No. 1). Whenever the registration is accomplished at a place other than a local board office the registrar shall deliver or mail the Registration Certificate (SSS Form No. 2) with the Registration Card (SSS Form No. 1) to the local board for which he is a registrar. If the place of residence of the registrant as shown on line 2 of his Registration Card (SSS Form No. 1) is within the area of the local board, or if the local board has jurisdiction of the registrant under paragraph (b) of § 1613.43, the local board shall mail the Registration Certificate (SSS Form No. 2) to the registrant not later than 10 days following the date of registration. If the place of residence of the registrant is not within the area of the local board, the Registration Certificate (SSS Form No. 2) shall be transmitted with the Registration Card (SSS Form No. 1) in the manner provided in § 1613.43 to the local board which has jurisdiction of the registrant. Upon receipt of the Registration Certificate (SSS Form No. 2) and the Registration Card (SSS Form No. 1) the local board having jurisdiction of the registrant shall immediately mail the Registration Certificate (SSS Form No. 2) to the registrant and retain the Registration Card (SSS Form No. 1).

2. Paragraphs (c) and (d) of § 1613.41 are amended to read as follows:

§ 1613.41 *Manner of registration of inmate of institution.*

* * * * *

(c) The superintendent, warden, or other designated person acting as registrar shall then (1) explain to the registrant his obligations under title I of the Universal Military Training and Service Act, as amended, and (2) prepare and sign the Registration Certificate (SSS Form No. 2) entering on the line commencing "Registrar for Local Board" the number of the local board of the area in which the institution is located.

(d) The superintendent, warden, or other designated person shall mail the Registration Card (SSS Form No. 1) and the Registration Certificate (SSS Form No. 2) of a person registered under the provisions of this section to the local board having jurisdiction over the area in which the institution is located. If that local board has jurisdiction of the registrant, it shall mail the Registration Certificate (SSS Form No. 2) to the registrant. Otherwise, the Registration Certificate (SSS Form No. 2) shall, in the manner provided in § 1613.15, be transmitted to the local board which has jurisdiction of the registrant and be mailed to the registrant by that local board.

(Sec. 10, 62 Stat. 618, as amended; 50 U. S. C. App. 460; E. O. 9979, July 20, 1948, 13 F. R. 4177; 3 CFR, 1948 Supp.)

The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

FEBRUARY 12, 1953.

[F. R. Doc. 53-1544; Filed, Feb. 16, 1953; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 186, Amdt. 1]

CPR 186—RELAYING RAIL AND USED TRACK ACCESSORIES

EXTENSION OF EFFECTIVE DATE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Ceiling Price Regulation 186 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to CPR 186 postpones its effective date indefinitely.

CPR 186 was issued on January 30, 1953 and, in order to permit warehouse resellers sufficient time to make the computations required by the regulation in the calculation of their ceiling prices, February 16, 1953 was fixed as its effective date. On February 2, 1953, the President of the United States indicated that Congress would not be requested to extend Title IV of the Defense Production Act of 1950, as amended; that price controls should be permitted to expire on April 30, 1953; and that in the interim a program of orderly elimination of price controls would be instituted.

Pursuant to the policy so laid down, active consideration is now being given to the sequence in which all commodities under price control should be exempted therefrom.

It is not deemed advisable that CPR 186 should become effective in the interim. Therefore, this amendment postpones the effective date of CPR 186 indefinitely.

The special nature of the provisions of this amendment made it impracticable and unnecessary to consult with industry representatives or trade association representatives prior to its issuance.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended, and conform in all respects to the applicable provisions of that act.

AMENDATORY PROVISIONS

The paragraph of Ceiling Price Regulation 186 beginning with the words "Effective date" is amended to read as follows:

Effective date. The effective date of this regulation is postponed until further action by the Director of Price Stabilization.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C., App. Sup. 2154)

Effective date. This Amendment 1 to Ceiling Price Regulation 186 is effective February 16, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 16, 1953.

[F. R. Doc. 53-1643; Filed, Feb. 16, 1953; 10:49 a. m.]

[General Ceiling Price Regulation, Amdt. 1 to Supplementary Regulation 33]

GCPR, SR 33—ADJUSTMENTS IN CEILING PRICES FOR PRIMARY NICKEL PRODUCTS AND FOR ROLLING MILL FOUNDRY AND SIMILAR PRODUCTS CONTAINING MORE THAN 5 PERCENT NICKEL

ADJUSTMENTS OF CEILING PRICES FOR PRIMARY NICKEL PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 33, Amendment 1 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment permits all sellers of primary nickel products to increase their ceiling prices three and one-half cents per pound.

Nearly all the nickel used in the United States is produced from Canadian ores and is imported in such primary forms as electrolytic nickel, nickel oxides, and metallic nickel and is then sold in the U. S. to approximately 7 major distributors. The Government of Canada approved an increase of 3½ cents per pound in the price of nickel, effective January 14, 1953. In accordance with section 402 (d) of the Defense Production Act of 1950, as amended, distributors of the International Nickel Company were permitted to pass through this additional 3½ cents per pound in their ceiling price. To permit all sellers to sell primary nickel on the same basis as these distributors, this amendment permits an increase in the ceiling price of primary nickel products of an additional 3½ cents per pound, thus permitting all sellers to carry out their purchases and sales of primary nickel products in their normal fashion. This amendment only applies to the sale of primary nickel products as defined in this supplementary regulation.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Section 2 (a) of Supplementary Regulation 33 to the General Ceiling Price Regulation is amended to read as follows:

(a) *Primary nickel products.* If you are a seller of primary nickel products, your ceiling price for any such product is the ceiling price determined in accordance with the General Ceiling Price Regulation plus 9½ cents per pound of nickel content.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective February 13, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 13, 1953.

[F R. Doc. 52-1631; Filed, Feb. 13, 1953; 4:48 p. m.]

[General Overriding Regulation 12, Amdt. 1 to Revision 1]

GOR 12—EXEMPTION OF CERTAIN FUEL PRODUCTS

EXEMPTION OF PETROLEUM PRODUCTS IN THE TERRITORIES AND POSSESSIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to General Overriding Regulation 12, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

By Revision 1, of General Overriding Regulation 12, the Director of Price Stabilization, pursuant to the President's program for the orderly removal of price controls, provided for the exemption of certain petroleum products from price control.

In the revision of General Overriding Regulation 12 exempting petroleum products, the exemption of sales in the territories and possessions was not covered. This amendment is issued to provide that petroleum products exempted from price control by this General Overriding Regulation are also exempted in the territories and possessions, except for sales in Puerto Rico of the petroleum products listed in Ceiling Price Regulation 13 and Ceiling Price Regulation 17.

In view of the nature of this action consultation with industry representatives including trade association representatives has not been deemed practicable or necessary.

AMENDATORY PROVISIONS

Section 4 of General Overriding Regulation 12, Revision 1, is amended by adding a new paragraph (f) to read as follows:

(f) Petroleum products exempted by this general overriding regulation are also exempted in the territories and possessions, except for sales in Puerto Rico of the petroleum products listed in Ceiling Price Regulation 13 and Ceiling Price Regulation 17.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to Revision 1, of General Overriding Regulation 12, shall become effective February 13, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 13, 1953.

[F. R. Doc. 53-1632; Filed, Feb. 13, 1953; 4:48 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-82 as Amended Feb. 16, 1953]

M-82—DISTRIBUTION OF BRASS MILL PRODUCTS TO DISTRIBUTORS

This amended NPA Order M-82 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

EXPLANATORY

This amended order affects NPA Order M-82, as last amended October 2, 1952, by amending the definition of "brass mill products" appearing in section 2 (c) and by amending section 4 to permit a distributor to place orders for replacement of inventory as soon as deliveries are made by him rather than waiting until the succeeding calendar month to place such orders.

REGULATORY PROVISIONS

Sec.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 793, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* The purpose of this order is to provide for the restoration and maintenance of reasonable inventories by distributors of brass mill products. It describes how orders for brass mill products shall be accepted and filled by distributors and how such shipments shall be replaced by brass mills. It authorizes distributors to place authorized controlled material orders within certain limitations, sets forth limitations on the required acceptance of such orders by brass mills, and revokes the authority of distributors to place orders certified under Direction 1 to NPA Order M-11.

SEC. 2. *Definitions.* As used in this order:

(a) "Base period" means the period commencing January 1, 1947, and ending June 30, 1950.

(b) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(c) "Brass mill products" means copper and copper-base alloys in the following forms: sheet, plate, and strip, in flat lengths or coils; rod, bar, shapes, and wire (except copper wire mill products); anodes, rolled, forged, or sheared from cathodes; and seamless tube and pipe. Straightening, threading, chamfering, and cutting to width and length, and reduction in gage, do not constitute changes in form of brass mill products except as determined by NPA. The following related products which have been produced by a change in form of brass mill products are not included in the definition of brass mill products:

Circles.
Discs (except brass military ammunition discs after June 30, 1952).
Cups (except brass military ammunition cups after June 30, 1952).
Blanks and segments.
Forgings (except anodes).
Welding rod, 3 feet or less in length.
Rotating bands.
Tube and nipples—welded, brazed, or mechanically seamed.
Formed flashings.
Engravers' copper.

(d) "Brass mill" means any person who produces brass mill products.

(e) "Item of brass mill products" means a particular brass mill product of one given dimension (except length), shape, temper, alloy, and finish.

(f) "Inventory" means brass mill products owned by a distributor or held by him on consignment within the United States, its territories and possessions, for resale as brass mill products. It does not include brass mill products held by him for fabrication, whether for his own account or for others, or direct mill shipments by a mill to a distributor's customer.

(g) "Distributor" means any person (including a warehouseman or jobber but not a retailer) engaged in the business of stocking brass mill products received from a brass mill or another distributor at a location regularly maintained by him for such purpose, for sale or resale in the form or shape as received, or after performing the operations described in this paragraph, and who, in connection therewith, maintains facilities and equipment necessary to conduct such business. Such operations are straightening, threading, chamfering, cutting to width and length, and edging. A distributor shall be deemed to be such only with respect to such brass mill products as are regularly maintained in his inventory. Occasional or accommodation sales, or purchases from brass mills or other distributors, shall not constitute engaging in the business of distributing brass mill products. Any brass mill maintaining an inventory of brass mill products at a location other than the mill and regularly engaging in the business of making sales from such inventory as a distributor shall be deemed to be a distributor with respect to such inventory and business for the purposes of this order. Any distributor operating more than one warehouse may consider all warehouses operated by him as one warehouse for the purpose of this order.

(h) "NPA" means the National Production Authority.

SEC. 3. *How a distributor obtains brass mill products.* (a) Commencing on September 1, 1951, and subject to the quantity limitations contained in sections 4 and 7 of this order, a distributor may apply the allotment symbol X-6 to orders for brass mill products for the purpose of replacing his inventory of such products.

(b) A delivery order bearing the symbol X-6, together with the certification provided for in section 8 of this order, shall constitute an authorized controlled material order for the purpose of all CMP regulations.

(c) Commencing on May 28, 1952, any distributor who during the preceding calendar month has delivered brass mill products from his inventory to fill authorized controlled material orders which bear program identifications consisting of the letter A, B, C, or E, followed by a digit, or the program identification Z-2, or a program identification containing the suffix B-5, in obtaining materials to replace in inventory the brass mill products covered by such orders may append as a suffix to the X-6 allotment symbol the program identifi-

cation B–5, so that the authorized controlled material order placed by him will contain a program identification which reads X–6–B–5.

(d) Subject to the limitations of any other applicable NPA regulation or order, a distributor may purchase brass mill products without limitation where such purchase is not a purchase made from a domestic brass mill or another distributor which will result in a violation of section 4 or 7 of this order. A distributor may apply the allotment symbol X–6 to all his orders for brass mill products. Such orders are hereby designated authorized controlled material orders for the purpose of section 17 (d) of CMP Regulation No. 1.

SEC. 4. *Monthly X–6 quotas on orders placed with brass mills or other distributors.* (a) Commencing February 1, 1953, and during each succeding calendar month, any distributor who delivers brass mill products from his inventory during any current calendar month to fill authorized controlled material orders placed with him may during such current calendar month, or during the next succeeding calendar month, place orders with brass mills or other distributors for replacement in his inventory of an equal weight of brass mill products, to which orders the allotment symbol X–6 may be applied. The weight of the brass mill products ordered during any calendar month, pursuant to the provisions of this paragraph, shall first be applied against any unfilled balance of the preceding calendar month's replacement-of-deliveries-from-inventory quota (by weight) until such balance shall have been filled. The remaining weight of the brass mill products ordered pursuant to the provisions of this paragraph, during any current calendar month, shall be applied against deliveries from inventory by the distributor during that current calendar month.

(b) In addition, a distributor whose inventory (by weight) on the last business day of any calendar month is less than his average monthly inventory (by weight) during the base period may place an order bearing the allotment symbol X–6 with a brass mill or another distributor during the succeeding month for 15 percent of the difference between his average monthy inventory (by weight) during the base period and such inventory at the end of the month.

(c) The total weight of material covered by orders placed by any distributor with brass mills and other distributors in each month and bearing the allotment symbol X–6 shall, however, in no event exceed 150 percent of the average monthly weight of deliveries of brass mill products from brass mills and other distributors to such distributor during the base period. In determining average monthly inventory during the base period or average monthly deliveries of brass mill products during the base period, a distributor may exclude any months during the base period in which he was not engaged in the business of distributing brass mill products.

SEC. 5. *Limitations on acceptance of X–6 orders by brass mills or distributors.* (a) A brass mill or another distributor need not accept an X–6 order from any distributor if such distributor was not a purchaser of brass mill products from him during the base period.

(b) A brass mill or another distributor need not accept an X–6 order from a distributor for any item of brass mill products which such distributor did not purchase from him during the base period.

(c) Any distributor who is unable to place an order bearing the allotment symbol X–6 due to the limitations of this section should apply to the National Production Authority, Washington 25, D. C., Ref: M–82, specifying the brass mills or distributors that refused to accept the order. NPA will assist him in locating sources of supply.

SEC. 6. *Limitations on acceptance of orders by distributors.* (a) A distributor may not accept for delivery from his inventory orders for any brass mill products in excess of the distributor's inventory of such products (including such products in transit to the distributor) on the date of the receipt of such order. Distributors are not required to accept an authorized controlled material order for more than 2,000 pounds of any item of brass mill products or 50 percent of the distributor's inventory of such item, whichever is less, unless otherwise directed by NPA. For the purposes of the quantity limitations of this section, a distributor shall regard separate orders placed for delivery in the same month for the same item by any person as one order.

(b) A distributor may accept an order for brass mill products for direct shipment from the brass mill to the customer only to the extent that such order is acceptable to the brass mill. Such a transaction shall not be considered a sale or delivery by a distributor for the purposes of this order. In forwarding such an order to the brass mill for acceptance, the distributor must furnish the brass mill with the name and address of the customer, the date and number of the customer's order, the authorized controlled material order allotment symbol, and a copy of the certification, which copy, however, need not be a duplicate original. An order for brass mill products for direct shipment from the brass mill to the customer may be shipped to the distributor who placed the order with the brass mill, but in that event the distributor may not incorporate the material so received physically in his inventory and must use all such material only for the purpose of filling the order for which it was received.

(c) A distributor may not accept any order for copper controlled materials except an authorized controlled material order, or ship or deliver any copper controlled material except pursuant to an authorized controlled material order valid for the calendar quarter in which delivery is requested, unless the quantity of material to be delivered on any one sale to any one person aggregates less than 25 pounds. Only sales on authorized controlled material orders are replaceable under the provisions of the first sentence of section 4 of this order.

SEC. 7. *Inventory limitations.* No distributor may accept delivery of brass mill products from domestic brass mills or other distributors if his inventory is, or by such receipt would become, in excess of his average monthly inventory during the base period (excluding therefrom the months during which he was not engaged in the business of distributing brass mill products) or in excess of a practicable minimum working inventory as defined in NPA Reg. 1, whichever is less.

SEC. 8. *Certification.* Any order for brass mill products placed by a distributor with a supplier and bearing the allotment symbol X–6 pursuant to this order shall contain a certification in substantially the following form:

Certified under CMP Regulation No. 1 and NPA Order M–82

This certification shall constitute a representation to the supplier and to NPA that the purchaser is authorized to place an authorized controlled material order under the provisions of this order to obtain the material covered by the delivery order.

SEC. 9. *Applicability of other regulations and orders.* Nothing in this order shall be construed to relieve any person from the obligations of complying with such limitations as may be contained in any other applicable regulation or order of NPA or of any order of any other competent authority.

SEC. 10. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F)

SEC. 11. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its

enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-82.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amended order shall take effect February 16, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W AUXIER,
Executive Secretary.

[F. R. Doc. 53-1645; Filed, Feb. 16, 1953; 11:05 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 2, Amdt. 39 to Schedule B]

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE RENTAL AREAS OR PORTIONS THEREOF

COOK COUNTY, ILLINOIS

Effective February 17, 1953, Rent Regulation 2 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 13th day of February 1953.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

Item 90 is added to Schedule B of Rent Regulation 2—Rooms, reading as follows:

90. *Provisions relating to Cook County, Illinois, a portion of the Chicago Defense-Rental Area (Item 83 of Schedule A).*

Decontrol of specified class of housing accommodations based upon the recommendation of the Local Advisory Board.

Pursuant to the provisions of section 204 (e) of the Housing and Rent Act of 1947, as amended, the application of this regulation is terminated with respect to housing accommodations which on December 31, 1952, consisted of not more than two furnished rooms and the rental of which included linen and maid service but did not include kitchen facilities or kitchen privileges.

All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates, are hereby amended to the extent necessary to carry into effect this item of Schedule B.

[F. R. Doc. 53-1603; Filed, Feb. 16, 1953; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter A—Alaska

[Circular 1841]

PART 79—TIMBER

FREE USE OF TIMBER ON PUBLIC LANDS IN ALASKA

The following text is substituted for §§ 79.1–79.13a:

FREE USE OF TIMBER ON PUBLIC LANDS IN ALASKA

Sec.
79.1 Statutory authority.
79.2 Free use privilege; cutting by agent.
79.3 Free use of timber for Government purposes.
79.4 Application for permit.
79.5 Issuance and cancellation of permit, removal of timber; bond.
79.6 Cutting rules; restriction on cutting timber along highways or public roads, or bordering the shores of lakes.
79.7 Amount of timber which may be cut.
79.8 Notice of completion of timber cutting operations.
79.9 Timber on school sections and on withdrawn lands.
79.10 Termination of permit; extensions.
79.11 Trespass; penalty for unauthorized cutting of timber.
79.12 Appeals.

AUTHORITY: §§ 79.1 to 79.12 issued under sec. 11, 30 Stat. 414, as amended; 48 U. S. C. 423.

CROSS REFERENCE: For additional free use privileges, see §§ 259.21—259.25 of this chapter.

§ 79.1 *Statutory authority.* Section 11 of the act of May 14, 1898 (30 Stat. 414; 48 U. S. C. 423) empowers the Secretary of the Interior to permit the use of timber found upon the public lands in Alaska by actual settlers, residents, individual miners, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and for domestic purposes as may actually be needed by such persons for such purposes. This section was amended by the Act of June 15, 1938 (52 Stat. 699), so as to permit the use of such timber by churches, hospitals, and charitable institutions for firewood, fencing, buildings, and for other domestic purposes.

§ 79.2 *Free use privilege; cutting by agent.* (a) Except as provided in § 79.9, the only timber which may be cut under §§ 79.1 to 79.12 for free use in Alaska is timber on vacant public lands in the Territory not reserved for national forest or other purposes. The timber so cut may not be sold or bartered. The free use privilege does not extend to associations or corporations, except churches, hospitals, and charitable institutions. Any applicant entitled to the free use of timber may procure it by agent, if desired, but no part of the timber may be used in payment for services in obtaining it or in manufacturing it into lumber. Timber may not be cut by an applicant under this section after the land has been included in a valid homestead settlement or entry or other claim, except that any applicant for the free use of timber who has been granted a permit to cut as hereinafter provided, will have the right to cut the timber while the permit remains in force as against a subsequent applicant who may wish to obtain the same timber by purchase, except as provided in § 79.22.

(b) Free use permits will not be issued where the applicant owns or controls lands having an adequate supply of timber to meet his needs.

§ 79.3 *Free use of timber for Government purposes.* Persons contracting with Government officials to furnish firewood or timber for United States Army posts or for other authorized Government purposes may procure it from the vacant and unreserved public lands in Alaska free of charge, provided the contracts do not include any charge for the value of the firewood or timber. Where it is desired to procure timber for such use, an application for permit in duplicate on Form 4-056 must be filed, as in other cases, and a copy of the contract must be attached to the application.

§ 79.4 *Application for permit.* Before timber is cut for free use, an application for permit in duplicate on Form 4-056 must be filed in an office or with an employee of the Bureau of Land Management in Alaska.

§ 79.5 *Issuance and cancellation of permit; removal of timber; bond.* (a) A permit may be issued and shall incorporate the provisions, if any, governing the selection, removal, and use of the materials. One copy of Form 4-056 shall be returned to the applicant showing the approval or rejection of such application.

(b) The signing officer may cancel a permit if the permittee fails to observe its terms and conditions, or the regulations in §§ 79.1 to 79.12, or if the permit has been issued erroneously.

(c) No timber shall be removed until the permit is issued. If deemed necessary by the signing officer, a bond, satisfactory to him, may be required as a guarantee of faithful performance of the provisions of the permit and the regulations in §§ 79.1 to 79.12.

§ 79.6 *Cutting rules; restriction on cutting timber along highways or public roads, or bordering the shores of lakes.* All free-use timber shall be cut and removed in accordance with approved forestry and conservation practices so as to

preserve to the maximum extent feasible all scenic, recreational, watershed, and other values of the land and resources. In the free-use disposal of timber, the cutting and removal shall be accomplished in such manner as to leave the stand in condition for continuous production. Moreover, no green timber shall be cut within 300 feet of either side of the center line of a highway or public road, or bordering streams or the shores of lakes designated for recreational use unless specifically authorized by the Regional Administrator or the Regional Chief, Division of Forestry, to prevent or control fungus infection or insect attacks, or for other reasons found sufficient to justify such cutting.

§ 79.7 *Amount of timber which may be cut.* During each calendar year each applicant entitled to the benefits of section 11 of the act of May 14, 1898, may take a total of 100,000 feet board measure or 200 cords in saw logs, piling, cordwood, or other timber. This amount may be taken in whole in any one of such classes of timber or in part of one kind and in part of another kind or other kinds. Where a cord is the unit of measure, it shall be estimated in relation with saw timber in the ratio of 500 feet board measure to the cord. Permits to take timber in excess of the amount stated may be granted to churches, hospitals, and charitable institutions upon a showing of special necessity therefor, and with the approval of the Regional Administrator.

§ 79.8 *Notice of completion of timber cutting operations.* Upon completion of the cutting and the removal of the timber, the permittee must notify the Regional Chief, Division of Forestry, or other forest officer, stating when the work was completed, the land from which the timber was taken, the amount and kind of timber which was cut and removed, and the use to which the timber was put.

§ 79.9 *Timber on school sections and on withdrawn lands.* Sections 79.1 to 79.12 are not applicable to timber upon sections 16, 33, and 36, which were reserved to the Territory for educational uses by the act of March 4, 1915 (38 Stat. 1214; 48 U. S. C. 353, 354) Sections 79.1 to 79.12 are also inapplicable to timber upon withdrawn areas, unless the order of withdrawal permits.

§ 79.10 *Termination of permit; extensions.* Permits shall be granted for periods not to exceed one year and shall terminate on the expiration dates shown therein unless extended by the signing officer.

§ 79.11 *Trespass; penalty for unauthorized cutting of timber* The cutting of timber from the public land in Alaska, other than in accordance with the terms of the law and §§ 79.1 to 79.12, will render the persons responsible liable to the United States in a civil action for trespass, and such persons may be prosecuted criminally under 18 U. S. C. 1852 or section 56–1–26 and 56–1–27 of the Alaska Compiled Laws, Annotated, 1949.

§ 79.12 *Appeals.* A party aggrieved by any action involving his application may appeal to the Director of the Bureau of Land Management and the Secretary of the Interior, pursuant to the Rules of Practice contained in Part 221 of this chapter.

NOTE: The record keeping or reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior

FEBRUARY 11, 1953.

[F. R. Doc. 53–1526; Filed, Feb. 16, 1953; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

MISCELLANEOUS AMENDMENTS [1]

In the matter of amendment of Part 1 of the Commission's rules and regulations relating to practice and procedure.

At a session of the Federal Communications Commission at its offices in Washington, D. C., on the 4th day of February 1953;

The Commission having under consideration §§ 1.387 (b) (3) and 1.724 (b) of its rules and regulations relating to practice and procedure;

It appearing, that § 1.387 (b) (3) of the rules presently provides in pertinent part that the Commission will on its motion name as parties to a hearing:

Any person filing an application that is mutually exclusive with another application or applications already designated for hearing will be consolidated for hearing with such other application or applications only if the application in question is filed at least 20 days before the date on which the hearing on the prior application or applications is scheduled;

If the application is filed after the 20-day period, it will be dismissed without prejudice and will be eligible for refiling only after a decision is rendered by the Commission with respect to the application or applications designated for hearing or such applications are withdrawn or dismissed.

It further appearing, that § 1.724 (b) of the rules presently provides in pertinent part:

Any person filing an application that is mutually exclusive with another application or applications already designated for hearing will be consolidated for hearing with such other application or applications only if the application in question is filed at least 20 days before the date on which the hearing on the prior application or applications is scheduled.

It further appearing, that in light of the recent amendment to section 309 (b) of the Communications Act (Communications Act Amendments of 1952, Public Law 554, 82d Congress) which requires the Commission, prior to formal designation of an application for hearing, to notify the applicant of the grounds and reasons for the Commission's inability to make a finding that the public interest, convenience and necessity would be served by the granting of the application, and to afford such applicant an opportunity to reply, the aforesaid 20-day provision is inadequate and should be extended to 30 days in order that the Commission may process applications in an orderly manner; and

It further appearing, that it is necessary to provide procedures which would permit parties in broadcast hearings to work out mutual problems raised by the hearing procedure at a time when they have definite information as to the identity of all other parties to the proceeding and thus expedite the conduct of such hearings; and

It further appearing, that the recent amendment to section 309 (b) of the Communications Act (Communications Act Amendments of 1952, Public Law 554, 82d Congress) also make it desirable that all broadcast hearings be commenced with a conference between the Examiner, or other presiding officer, and representatives of all parties and that such conference be employed for the purpose of applying the "30-day rule" of §§ 1.387 (b) (3) and 1.724 (b) as herein amended; and

It further appearing, that authority for the amendments adopted herein is contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended; and

It further appearing, that the amendments adopted herein are procedural; that the provisions of section 4 of the Administrative Procedure Act with respect to Notice of Proposed Rule Making and prior publication are inapplicable; and that such amendments may be made effective immediately

It is ordered, That effective immediately Part 1 of the Commission's rules and regulations relating to practice and procedure is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

Released; February 6, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Section 1.387 is amended by deleting the present paragraph (b) (3) and substituting therefor the following:

(3) Any person who, prior to the time the application in question was designated for hearing, had filed with the Commission a mutually exclusive application. Any application that is mutually exclusive with another application or applications already designated for hearing will be consolidated for hearing with such other application or applications only if the application in question is filed at least 30 days before the date on which the hearing on the prior application or applications is scheduled. If the scheduled date is changed, the date last set shall govern in determining the timeliness of an application for purposes of this paragraph. If the appli-

[1] See F. R. Doc. 53–1578, appearing in Notices Section, *infra.*

cation is filed after the 30-day period, it will be dismissed without prejudice and will be eligible for refiling only after a decision is rendered by the Commission with respect to the application or applications designated for hearing or after such applications are dismissed or removed from hearing.

2. Section 1.724 is amended by deleting the present paragraph (b) and substituting therefor the following:

(b) Any application that is mutually exclusive with another application or applications already designated for hearing will be consolidated for hearing with such other application or applications only if the application in question is filed at least 30 days before the date on which the hearing on the prior application or applications is scheduled. If the scheduled date is changed, the date last set shall govern in determining the timeliness of an application for purposes of this paragraph.

3. Section 1.841 is redesignated as § 1.840 with no change in text.

4. A new § 1.841 is added as follows:

§ 1.841 *Commencement of hearing procedure in cases involving broadcast applications.*[∞] (a) Except for good cause found in advance by the Hearing Examiner, all broadcast hearings will commence with a conference between the Hearing Examiner, or other presiding officer, and representatives of all parties to the proceeding looking toward agreement on all matters raised with respect to the conduct of the hearing. At this conference, the parties, including Commission counsel should be prepared to discuss (1) the matters relied upon by each of the parties, (2) possibilities of agreement to clarify the issues to be tried in the hearing, (3) admissions of fact and of documents which will avoid unnecessary proof, (4) the need or desirability of obtaining proof by depositions, (5) limitations upon merely cumulative proof, (6) the need for additional conferences, (7) date for commencing the taking of testimony and (8) such other matters as may aid the disposition of the hearing.

(b) The Hearing Examiner, or other presiding officer, shall issue an order which recites the action taken at the conference; the date of any additional conference or the date for taking of testimony which, in the absence of agreement otherwise, should not be later than 30 days after the issuance of such order if circumstances will permit; the matters relied upon by each of the parties; agreements made by the parties as to (1) admissions of fact and documents, and (2) limitations of proof and other matters; and such order when issued shall control the subsequent course of the hearing unless modified by the Hearing Examiner for cause during the course of the hearing or by the Commission upon a review of the Hearing Examiner's ruling. Proof at the hearing will be adduced only in respect of the matters relied upon by each of the parties, including Commission counsel, set out in such order.

(c) The scheduled date of hearing referred to in §§ 1.387 (b) (3) and 1.724 (b) shall be the date the conference is commenced pursuant to the provisions of this section. The procedure specified above does not affect the opportunity for prehearing conference as provided in § 1.813.

[F. R. Doc. 53-1579; Filed, Feb. 16, 1953; 8:45 a. m.]

[Docket No. 10214]

PART 3—RADIO BROADCAST SERVICES

LICENSED OPERATOR REQUIREMENTS OF CERTAIN STANDARD AND FM BROADCASTING STATIONS AND FOR REMOTE CONTROL OPERATION OF SUCH STATIONS

Correction

In F. R. Doc. 53-1133, appearing at page 726 of the issue for Wednesday, February 4, 1953, the following changes should be made:

1. In the first sentence of § 3.165 (b) "subparagraphs (1) and (2) of this paragraph" should read "subparagraphs (1) to (4) of this paragraph"

2. The last word of § 3.165 (b) (4), "omissions", should read "emissions".

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

OPERATION AND MAINTENANCE CHARGES

COLORADO RIVER INDIAN IRRIGATION PROJECT, ARIZONA

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238) and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs, September 14, 1946 (11 F. R. 10297) and delegation by the Commissioner to the Area Director by Order No. 551, Amendment No. 1, dated June 5, 1951, notice is hereby given of the intention to modify § 130.6 *Charges* and § 130.7 *Excess water charge* of Title 25, Code of Federal Regulations, Chapter 1, Subchapter L, dealing with operation and maintenance assessments against the irrigable lands of the Colorado River Indian Irrigation Project, Arizona, by increasing the basic water charges from $5.00 per acre to $6.00 per acre per annum, and increasing the basic water allowance from four acre feet to five acre feet per acre per annum. The revised sections will read as follows:

§ 130.6 *Charges.* Pursuant to the provisions of the acts of Congress approved August 1, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385-387) the annual basic charge against the land to which water can be delivered under the Colorado River Indian irrigation project in Arizona, for the operation and maintenance of that project, is hereby fixed until further notice at $6.00 per acre per annum for the delivery of not to exceed five acre feet of water per acre per annum, except that when with the approval of the Superintendent, certain alkali tracts are planted to rice with a view to reclaiming the lands, a quantity of water reasonably sufficient to carry away alkali salts may be furnished to any such tracts of land for not more than two successive years at a rate of $6.00 per acre per annum: *Provided, however,* That the owners of Indian lands that are not under lease to non-Indian lessees and whose lands are located within the boundaries of Townships 8 and 9 North, Ranges 20 and 21 West, S. & G. R. B. M., commonly known as the old portion of the project, shall be required to make only a partial cash payment of $3.00 per acre per annum until such time as in the opinion of the Superintendent these lands are subjugated to the standards now being followed in the development of new lands in other parts of the project. The remaining unpaid part of the $6.00 basic assessments in such cases shall stand as a first lien against the land until paid. The foregoing charges shall become effective for the irrigation season of 1953 and continue in effect thereafter until further notice.

§ 130.7 *Excess water charge.* Additional water, if and when available, in excess of five acre feet per acre per annum, may be delivered upon request of landowners or lessees at the rate of $1.50 per acre foot, or fraction thereof.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to Ralph M. Gelvin, Area Director, Phoenix Area Office, P. O. Box 7007, Phoenix, Arizona, within twenty (20) days from date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

[SEAL] L. L. NELSON,
Acting Area Director.

[F. R. Doc. 53-1525; Filed, Feb. 16, 1953; 8:45 a. m.]

[25 CFR Part 130]

OPERATION AND MAINTENANCE CHARGES

SALT RIVER INDIAN IRRIGATION PROJECT, ARIZONA

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11,

[∞] This section applies only to broadcast applications designated for hearing after February 4, 1953.

1946 (60 Stat. 238) and by virtue of the authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs, September 14, 1946 (11 F. R. 10297) and delegation by the Commissioner to the Area Director by Order No. 551, Amendment No. 1, dated June 5, 1951, notice is hereby given of the intention to modify § 130.120 *Basic charge* and § 130.122 *Delivery of water* of Title 25, Code of Federal Regulations, Chapter 1, Subchapter L, dealing with operation and maintenance assessments against the irrigable lands of the Salt River Indian Irrigation Project, Arizona, by increasing the basic water charges from $3.50 per acre to $6.00 per acre per annum. The revised sections will read as follows:

§ 130.120 *Basic charge.* Pursuant to provisions of the acts of Congress, approved August 1, 1914, and March 7, 1928 (38 Stat. 583; 45 Stat. 210, 25 U. S. C. 385, 387) the basic operation and maintenance charge against the lands under the Salt River Indian Irrigation Project in Arizona to which water can be delivered through the Irrigation Project works is hereby fixed at $6.00 per acre per annum until further notice.

§ 130.122 *Delivery of water* Delivery of water shall be refused to all tracts of land for which the basic charge remains unpaid on the due date except that water may be delivered (a) to irrigate Indian owned lands that are not under lease, permit, or other form of use by someone other than the Indian owner, upon the partial payment on or before the due date of not less than $3.50 per acre per annum of the basic charge; (b) to irrigate Indian owned lands not under lease, permit, or other form of use by someone other than the Indian owner when said owner is unable to pay any part of the basic charge, upon the performance of labor on project works and the prior agreement that he will pay from the proceeds received for such work at least an amount equal to $3.50 per acre per annum; and (c) to irrigate not to exceed 10 acres of Indian owned land when the Superintendent is of the opinion that an Indian landowner is unable to meet the requirements of paragraphs (a) or (b) of this section, when the Superintendent certifies to that fact. The Superintendent shall promptly furnish the director of the district, for approval or rejection, all such certifications. In such cases, covered by paragraphs (a) (b) and (c) of this section, the unpaid charges shall be entered on the accounts and will stand as a first lien against the land until paid, without penalty.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to Ralph M. Gelvin, Area Director, Phoenix Area Office, P O. Box 7007, Phoenix, Arizona, within twenty (20) days from date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

[SEAL] L. L. NELSON,
Acting Area Director

[F. R. Doc. 53-1545; Filed, Feb. 16, 1953; 8:48 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEBRASKA

SALE OF MINERAL INTERESTS; REVISED AREA DESIGNATION

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's Order dated June 26, 1951 (16 F R. 6318) are amended as follows:

In Schedule A, under Nebraska, in alphabetical order, add the counties "Adams," "Antelope," "Madison," "Nuckolls," and "Wayne."

In Schedule B, under Nebraska, delete the counties "Adams," "Antelope," "Madison," "Nuckolls," and "Wayne."

(Sec. 3, Pub. Law 760, 81st Cong.)

Done at Washington, D. C., this 13th day of February 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-1600; Filed, Feb. 13, 1953; 4:48 p. m.]

DEPARTMENT OF COMMERCE

Office of International Trade

[Case No. 147]

MARTIN ENTERPRISES

ORDER REVOKING AND DENYING LICENSE PRIVILEGES

In the matter of Martin Enterprises, partnership, Bernard Martin, and Alvin E. Shulman, partners, 345 Fifth Avenue, New York, New York, respondents; Case No. 147.

Alvin E. Shulman and Bernard Martin, individually and as copartners doing business under the firm name and style of Martin Enterprises, having been charged by the Director, Investigation Staff, with a series of violations of the Export Control Act of 1949, as amended, and the regulations promulgated thereunder, duly appeared herein and were represented by counsel. Although duly notified of their right to answer the charges and have an oral hearing thereon before the Compliance Commissioner, they have waived their rights thereto and have elected, pursuant to Export Regulations, § 382.10 (15 CFR Part 382) to submit to the Compliance Commissioner a proposal for the issuance of a consent order revoking and denying their license privileges. For this purpose, they have admitted the charges set forth in the charging letter.

The Compliance Commissioner has reviewed the facts of the case, has approved the proposal, and has reported the facts with his recommendations to the undersigned as Assistant Director for Export Supply.

Now, upon considering the facts of this case and the report of the Compliance Commissioner, I hereby make the following findings of fact:

1. Alvin E. Shulman and Bernard Martin are copartners doing business under the firm name and style of Martin Enterprises, at 345 Fifth Avenue, in the City of New York, State of New York, and as such, during all times hereinafter mentioned, they were engaged in the export business.

2. Early in 1952, said persons, hereinafter referred to as respondents, submitted to the Office of International Trade an application for a license to export a quantity of stainless steel sheets, therein described as Type 302, a type in short supply and highly restricted, which application was returned without action, all quota allocations having been exhausted.

3. Being aware of the limitations with respect to the allocation of Type 302 stainless steel sheets, and also Type 304, similarly in short supply, and, in an apparent plan to circumvent such limitations, respondents thereafter filed numerous applications for licenses to export stainless steel sheets to Brazil and Switzerland, and in the said applications represented that the sheets to be exported thereunder were of Type 430, a type in more plentiful supply.

4. Two such licenses were granted for an aggregate of 640,000 pounds.

5. Thereafter, under purported authority of said licenses, respondents proceeded to export from the United States Type 302 or Type 304 stainless steel sheets, and, for the purpose of so doing, filed with the Collector of Customs at ports of embarkation the said licenses and, in addition, nine shipper's export declarations in which the steel sheets being exported thereunder were described merely as "stainless steel sheets."

6. Eight such exportations were completed, some to Brazil and some to Switzerland, but the ninth attempted exportation was intercepted and, upon inspection, was found to be Types 302 and 304. The sheets in this lot were thereupon confiscated by Customs officials on August 15, 1952, upon a writ issued out of the United States District Court for the Eastern District of New York.

From the foregoing, I have concluded that respondents did knowingly make false representations and statements in applications for export licenses and in shipper's export declarations as to the nature and description of the steel sheets sought to be exported and actually exported and that they wilfully and knowingly exported Type 302 and Type 304

stainless steel sheets without authority so to do under any general license or validated license issued by the Office of International Trade for such purpose, all in violation of §§ 381.1 (a) and (b) (1) 370.2, and 372.1 (c) Export Regulations.

The Compliance Commissioner, in his report, has stated that the offenses were very grave and serious in that they did not involve a mere misdescription of articles exported but, on the contrary, resulted in the removal from the restricted use stockpile of materials which thereby became available for relatively unimportant and unnecessary uses and, once beyond the borders of this country, susceptible to possible transshipment and inimical use. He has, therefore, recommended that the denial of license privileges for thirty-six months with a conditional remission of the last eighteen months thereof be approved. The conditional remission of the last eighteen months is allowed in the expectation that the respondents herein, conscious of their wrongdoing, will be rehabilitated and become useful participants in the export business.

For these reasons, considered by me to be proper, I have concluded that the terms of the proposed order are reasonable, necessary, and proper to achieve effective enforcement of the law and they are, accordingly, adopted: *It is, now, therefore ordered:*

I. Alvin E. Shulman and Bernard Martin, individually and as copartners, doing business under the firm name and style of Martin Enterprises, are hereby denied and declared ineligible to exercise the privileges of exporting, receiving, or otherwise participating directly or indirectly in any exportation of any commodity from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation is deemed to include any action by the named respondents, or any of them, directly or indirectly, in any manner or capacity, (a) in the obtaining or using of export licenses, including general as well as validated export licenses and any export control documents relating thereto; (b) as a party or a representative of a party to any export license application; (c) in any exportation from the United States to Canada or to any other foreign destination; (d) in the financing, forwarding, transporting or other servicing of exports from the United States; and (e) in the receiving in any foreign country of any exportation from the United States.

II. All outstanding validated export licenses held by or issued in the name of any of the said respondents be and they hereby are revoked and shall be returned forthwith to the Office of International Trade for cancellation.

III. Such denial of export privileges shall extend not only to the named respondents, and each of them, but also to any person, firm, corporation or other business organization with which said respondents or any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States.

IV. This order is effective from February 10, 1953, to August 9, 1954, both dates inclusive, and for the additional term of eighteen (18) months thereafter, which additional term shall be held in abeyance for eighteen (18) months commencing August 10, 1954, subject to the condition that if said respondents, or any one of them, shall at any time within the term commencing February 10, 1953, and ending August 9, 1954, or within the additional period of eighteen months ensuing immediately thereafter, knowingly violate any of the provisions of this order, or the Export Control Act of 1949, as now or hereafter amended, or any regulation promulgated thereunder, a supplemental order, summarily vacating this provision for holding in abeyance the suspension for the additional term of eighteen months, will be issued. Upon the issuance of any such supplemental order, the additional term of eighteen months shall commence to run from the date of such supplemental order and the issuance thereof shall not be a bar to nor shall the Office of International Trade (or such other agency as shall at that time be charged with the administration of export controls) be thereby precluded from instituting any other and further action which it may deem appropriate and necessary by reason of the violation giving rise thereto. If, in the meantime, export controls shall fully terminate, then and in that event, this order, and any supplemental order hereunder, shall have no further force or effect.

V. No person, firm, corporation, or other business organization shall knowingly apply for or obtain any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation from the United States under validated and general licenses, or otherwise, to or for the named respondents or any of them, or any person, firm, corporation, or other business organization covered by paragraph III above, without prior disclosure of such facts to, and specific authorization from, the Office of International Trade.

Dated: February 12, 1953.

JOHN C. BORTON,
Assistant Director for Export Supply.

[F. R. Doc. 53-1563; Filed, Feb. 16, 1953; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 427]

PUERTO RICO: SPECIAL INDUSTRY COMMITTEE NO. 13

RESIGNATION OF MEMBER; APPOINTMENT OF NEW MEMBER

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, hereby accept the resignation of Enrique Campos del Toro, as an employer member of Special Industry Committee No. 13 for Puerto Rico, and appoint to serve on said Committee in his stead as employer member John E. Gill, of Caguas, Puerto Rico.

Signed at Washington, D. C., this 11th day of February 1953.

WM. R. MCCOMB,
Administrator
Wage and Hour Division.

[F. R. Doc. 53-1529; Filed, Feb. 16, 1953; 8:46 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522) special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951, 16 F. R. 12043 and June 2, 1952; 17 F. R. 3818).

American Modes, Inc., Winchester, Ill., effective 2-5-53 to 8-4-53; 30 learners for expansion purposes (dresses).

American Modes, Inc., Winchester, Ill., effective 2-5-53 to 2-4-54; 10 learners (dresses).

Clayburne Manufacturing Co., Inc., Clayton, Ga., effective 2-15-53 to 8-14-53; 100 learners for expansion purposes (men's dress and sport shirts).

Dale Sportswear Co., 801 Main Street, Honesdale, Pa., effective 2-4-53 to 8-3-53; 15 learners for expansion purposes (knitted sport shirts).

Dale Sportswear Co., 801 Main Street, Honesdale, Pa., effective 2-4-53 to 2-3-54; 10 percent of the productive factory force (knitted sport shirts).

Eastwill Sportswear Co., Inc., Greenwood, S. C., effective 2-2-53 to 2-1-54; 10 percent of the productive factory force (sport shirts).

Gloucester Pants Co., 211 East Main Street, Gloucester, Mass., effective 2-9-53 to 2-8-54; 10 learners (dress trousers).

Goldstein & Levin, 232 Levergood Street, Johnstown, Pa., effective 2-6-53 to 2-5-54; 10 percent of the productive factory force (ladies' dresses).

Johnnye Manufacturing Co., Fairfield, Ill., effective 2-9-53 to 2-8-54; 10 learners. This

does not include the employment of learners at subminimum wage rates engaged in the production of skirts (dresses and blouses).

Kennebec Manufacturing Co., Inc., Main Avenue, Gardiner, Maine., effective 2-5-53 to 8-4-53; 30 learners for expansion purposes (children's outer garments of woven and knitted cotton fabrics).

Lafayette Pants Corp., 407 Lafayette Boulevard, Fredericksburg, Va., effective 2-5-53 to 2-4-54; 10 percent of the productive factory force (dress and semidress odd trousers).

Lanier Manufacturing Co., Easley, S. C., effective 2-6-53 to 2-5-54; 10 percent of the productive factory force (sport shirts).

Little River Garment Co., Cadiz, Ky., effective 2-5-53 to 2-4-54; five learners (dungarees and coveralls).

Litz Manufacturing Co., 666 School Street, Hillsboro, Ill., effective 2-4-53 to 8-3-53; 25 learners for expansion purposes (women's dresses and sportswear).

Mode O'Day Corp., Plant No. 2, 146 Southwest Temple, Salt Lake City, Utah, effective 2-9-53 to 8-8-53; 20 learners for expansion purposes (women's house dresses).

The Monarch Co., 383½ Whitehall Street, Southwest, Atlanta, Ga., effective 2-2-53 to 1-25-54; 10 percent of the productive factory force or 10 learners, whichever is greater (replacement certificate) (longies, jackets, shorts and shirts).

Nanticoke Dress Co., 216 East Broad Street, Nanticoke, Pa., effective 2-4-53 to 2-3-54; 10 learners (dresses and lounging pajamas).

Ottenheimer Bros. Manufacturing Co., Inc., Markham at Victory Street, Little Rock, Ark., effective 2-12-53 to 2-11-54; 10 percent of the productive factory force (dresses).

Palmland Fashions, 3240 Northwest Twenty-seventh Avenue, Miami, Fla., effective 2-12-53 to 2-11-54; five learners (men's leisure jackets).

Pittston Frocks, 135 South Main Street, Pittston, Pa., effective 2-4-53 to 2-3-54; five learners (women's, misses' and junior dresses).

Quarles Manufacturing Co., Sanger, Tex., effective 2-6-53 to 2-5-54; 10 learners (men's and boys' work clothing and sportswear).

Reynolds Textile Co., 219 South Main Street, Clinton, Mo., effective 2-2-53 to 2-1-54; 10 percent of the productive factory force (men's overalls).

Rocket Manufacturing Co., Inc., 1000 Spring Street, Little Rock, Ark., effective 2-12-53 to 2-11-54; 10 percent of the productive factory force (women's house robes and blouses).

The Salisbury Co., Salisbury, Mo., effective 2-2-53 to 8-1-53; 50 learners for expansion purposes (dress pants and slacks).

Samsons Inc., 122 North Goldsboro Street, Wilson, N. C., effective 2-9-53 to 2-8-54; 10 percent of the productive factory force (sport and dress shirts).

Siceloff Manufacturing Co., Inc., East Second Avenue, Lexington, N. C., effective 2-4-53 to 8-3-53; 50 learners for expansion purposes (cotton work pants, bib overalls, cotton work shirts, dungarees).

Henry I. Siegel Co., Inc., Fulton, Ky., effective 2-14-53 to 2-13-54; 10 percent of the productive factory force (men's and boys' pants).

Southern Maid Garment, Inc., Winnsboro, S. C., effective 2-16-53 to 2-15-54; 10 learners (children's dresses).

Southland Manufacturing Co., Inc., Branch Factory No. 2, Benson, N. C., effective 2-9-53 to 8-8-53; 20 learners for expansion purposes (sport shirts).

Standard Romper Co., Portland Branch Plant, 335 Forest Avenue, Portland, Maine, effective 2-5-53 to 8-4-53; 30 learners for expansion purposes (children's outer garments of woven and knitted cotton fabrics).

J. H. Stern Garment Co., Inc., Seven Valleys, Pa., effective 2-6-53 to 2-5-54; 10 percent of the productive factory force (children's dresses).

Su-Ann Togs, Barnegat, N. J., effective 2-5-53 to 2-4-54; 10 percent of the productive factory force (children's dresses).

Tuf-Nut Garment Manufacturing Co., 423 East Third Street, Little Rock, Ark., effective 2-5-53 to 2-4-54; 10 percent of the productive factory force (overalls and jumpers).

Westway Manufacturing Co., 212 West Main Street, Fredericksburg, Tex., effective 2-6-53 to 8-5-53; 25 learners for expansion purposes (boys' shirts and pants).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951, 16 F. R. 10733)

Archer Mills, Inc., 1118 Talbotton Avenue, Columbus, Ga., effective 2-6-53 to 2-5-54; 5 percent of the productive factory force.

Bloomsburg Hosiery Mills, Inc., 164 West Ninth Street, Bloomsburg, Pa., effective 2-6-53 to 2-5-54; five learners.

Burlington Mills Corp., Harriman Hosiery Plant, Harriman, Tenn., effective 2-1-53 to 1-31-54; 5 percent of the productive factory force.

Burlington Mills Corp., McLaurin Hosiery Plant, Asheboro, N. C., effective 2-6-53 to 2-5-54; 5 percent of the productive factory force.

Junior Hosiery Mills, Inc., Pearl and Willow Streets, Reading, Pa., effective 2-6-53 to 2-5-54; 5 percent of the productive factory force.

Lawler Hosiery Mills, Inc., 53 Bradley Street, Carrollton, Ga., effective 2-4-53 to 2-3-54; 5 percent of the productive factory force.

Magnet Mills, Inc., Clinton, Tenn., effective 2-22-53 to 2-21-54; 5 percent of the productive factory force.

Ridge Textile Co., 364 Pope Avenue, Athens, Tenn., effective 2-9-53 to 2-8-54; 5 percent of the productive factory force.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F R. 12866)

Athco, Inc., Athens, Ala., effective 2-9-53 to 8-8-53; 25 additional learners for expansion purposes (supplemental certificate) (all nylon, all rayon, and combination of nylon and rayon undergarments, etc.).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952; 17 F. R. 1500)

Penn Footwear Co., Line and Grove Streets, Nanticoke, Pa., effective 2-2-53 to 8-1-53; 40 learners for expansion purposes.

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Rico Electronics, Inc., Vega Alta, P R., effective 2-2-53 to 8-1-53; 50 learners; gun assemblers; 160 hours at 35 cents per hour, 320 hours at 40 cents per hour (electron guns for television picture tubes).

The Shawy Handbag Co. of Puerto Rico, Caguas, P. R., effective 1-27-53 to 7-26-53; eight learners; machine sewing operators; 160 hours at 27 cents per hour, 160 hours at 32 cents per hour (corde handbags).

Walden Hosiery Mills of Puerto Rico, Inc., Cidra, P. R., effective 1-26-53 to 3-22-53; 30 learners; knitters, 480 hours; loopers, 480 hours; menders, 240 hours; inspectors, 240 hours; each 30 cents per hour (full fashioned hosiery).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 9th day of February 1953.

MILTON BROOKE,
Authorized Representative of the Administration.

[F. R. Doc. 53-1530; Filed, Feb. 16, 1953; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

HEARING PROCEDURES

CHANGES TO SPEED ACTION ON COMPETING APPLICATIONS[1]

FEBRUARY 6, 1953.

In order to simplify and expedite the hearing procedures of the Federal Communications Commission, particularly with respect to the hearings to be held on the many mutually exclusive broadcast applications, the Commission has taken the following action:

(1) Amended its rules to require all competing applications for the same facility in broadcast and nonbroadcast services to be on file at least 30 days prior to the starting of the scheduled hearing; (instead of the 20 days previously specified)

(2) Amended its rules to provide that all broadcast hearings will start with a conference of the parties.

The first stated proposal has been accomplished by the amendment of §§ 1.387 (b) (3) and 1.724 (b) of Part 1 of the Commission's rules relating to practice and procedure.

The second step has been accomplished by the addition of a new section to Part 1 of the Commission's rules relating to practice and procedure. The new section specifies that except for good cause found in advance by the Hearing Examiner all broadcast hearings, except those designated for hearing prior to February 4, 1953, will commence on the scheduled date with a conference between the Hearing Examiner, or other presiding officer, and representatives of all parties to the proceeding looking toward agreements on all matters raised with respect to the conduct of the hearing on the applications in question. The parties will be required to come forward at the conference with a statement of all the matters which they will rely upon in the hearing. The Hearing Examiner, or other presiding officer, will issue an order setting forth such matters and the proof to be adduced by the parties will be lim-

[1] See F. R. Doc. 53-1579, Title 47, Chapter I, Part 1, *supra*.

ited by the order unless modified for a cause. The scheduled date of hearing, that is the date on which the hearing conference will be held will be used for the purpose of applying the "30-day rule" (§ 1.387 (b) (3) as now amended)

The latter procedure will be apart from and will in no wise affect the opportunity for pre-hearing conference now provided in § 1.813 of the Commission's rules. The formal hearing conference contemplated by the new section constitutes the commencement of the hearing and affords each party to the proceeding an opportunity to work out mutual problems raised by the hearing process at a time when the identity of all other parties to the proceeding and the issues involved are known definitely.

The foregoing rule changes, governing the conduct of broadcast hearings, are largely prompted by complications in the hearing procedure occasioned by section 309 (b) of the Communications Act, as amended last July by Public Law 554. This section now requires that applicants who face a hearing be notified to that effect and be given an opportunity to reply prior to actual designation for hearing. The effect of this requirement is that many pre-hearing conferences have been held before new parties could be designated for hearing and consolidated in the hearing that had already been designated. The provision that the hearing will commence with a conference, together with the extension of the 20-day rule to 30 days, is intended to remedy this situation. The 30-day period is designed to give the Commission the time it requires to process mutually exclusive applications.

In addition, it is the purpose of the rule changes to establish a procedure to develop and sharpen the genuine issues of a broadcast hearing sufficiently in advance of the adducing of proof to eliminate, in the largest part, the element of surprise, the introduction of unnecessary and cumulative evidence, and the waste of time during the course of the hearing. It is hoped that in this fashion the hearings will be expedited, shortened and will comply fully with the letter and spirit of the recent amendment of the Communications Act. This result will flow from the successful application of the new rule § 1.841 (b) setting forth the requirements that the hearing conference culminate in an order which will control the subsequent proceedings.

The foregoing revisions in existing practice stem from conferences held by representatives of the Commission and the Federal Communications Bar Association for the purpose of ironing out mutual problems and thereby to speed up the administrative process.

Adopted: February 4, 1953.

Released: February 6, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1578; Filed, Feb. 16, 1953; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1985, G-2013]

OHIO FUEL GAS CO.

NOTICE OF FINDINGS AND ORDER

FEBRUARY 11, 1953.

Notice is hereby given that on February 6, 1953, the Federal Power Commission issued its order entered January 29, 1953, issuing in part certificates of public convenience and necessity in the above-entitled matters; dismissing request for permission and approval of abandonment of certain facilities in Docket No. G-1985, and its supplemental order entered February 5, 1953 relative to these dockets.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-1546; Filed, Feb. 16, 1953; 8:48 a. m.]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[Wildlife Order 21]

FINNS POINT RANGE REAR LIGHT STATION, SALEM COUNTY, NEW JERSEY

TRANSFER OF PROPERTY TO SECRETARY OF INTERIOR

Pursuant to the authority granted under the act of May 19, 1948 (62 Stat. 240, 16 U. S. C. 667-B-667-D), notice is hereby given that:

1. By letter of transfer from the Administrator of General Services to the Secretary of the Interior dated August 7, 1952, that property known as Finns Point Range Rear Light Station, Salem County, New Jersey, comprising 1.86 acres of land, and more particularly described in said letter, has been transferred to the Secretary of the Interior.

2. The above described property is transferred to the Secretary of the Interior for migratory bird conservation purposes in accordance with the provisions of said act of May 19, 1948 (62 Stat. 240, 16 U. S. C. 667-B-667-D)

RUSSELL FORBES,
Acting Administrator, of General Services.

FEBRUARY 10, 1953.

[F. R. Doc. 53-1562; Filed, Feb. 16, 1953; 8:51 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation No. 23]

MUSTARD SEEDS

NOTICE OF INVESTIGATION

Upon application of the Montana State Farm Bureau in behalf of domestic mustard seed growers received February 9, 1953, the United States Tariff Commission, on the 12th day of February 1953, under the authority of section 7 of the Trade Agreements Extension Act of 1951 approved June 16, 1951, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether the product described below is, as a result, in whole or in part of the customs treatment reflecting concessions granted on such product under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Tariff Act of 1930:	*Description of product*
Par. 781	Mustard Seeds (Whole).

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D. C., and in the New York office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

I certify that the above investigation was instituted by the Tariff Commission on the 12th day of February 1953.

Issued: February 12, 1953.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 53-1549; Filed, Feb. 16, 1953; 8:49 a. m.]

[List No. 11-7]

ENCO SALES CORP.

COMPLAINT FILED FOR INVESTIGATION

FEBRUARY 12, 1953.

Complaint as listed below has been filed with the Tariff Commission for investigation under the provisions of section 337 of the Tariff Act of 1930:

Name of article	Purpose of request	Date received	Name and address of complainant
Multiple compartment cooking pan.	Exclusion from entry	Jan. 27, 1953	Edward I. Utz (Enco Sales Corp.), Dayton, Ohio.

The complaint listed above is available for public inspection at the office of the Secretary, Tariff Commission Building, Eighth and E Street NW., Washington, D. C., and also in the New York Office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 53-1550; Filed, Feb. 16, 1953; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

CENTRAL OFFICE

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section II *Central Office organization and final delegation of authority to Central Office officials* is amended as follows:

Subparagraph 9 of paragraph j is amended as follows:

9. Effective January 6, 1953, the Assistant Commissioner for Development and the Deputy Assistant Commissioner for Development are hereby delegated the power to authorize construction schedules, to make allotments of controlled materials, and to apply or assign to others the right to apply DO ratings and allotment numbers and symbols for procurement of building materials (other than controlled materials) and building equipment, in accordance with the provisions of Revised CMP Regulation No. 6, and to approve or disapprove applications for adjustment or exception under the provisions of Revised CMP Regulation No. 6, with respect to the construction of multi-unit residential structures by Federal, State, and local public agencies.

Date approved: February 6, 1953.

[SEAL] JOHN TAYLOR EGAN,
Commissioner

[F. R. Doc. 53-1527; Filed, Feb. 16, 1953; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-136]

LONG ISLAND LIGHTING CO. ET AL.

SUPPLEMENTAL ORDER APPROVING AND DIRECTING PAYMENT OF FEES AND EXPENSES

FEBRUARY 3, 1953.

In the matter of Long Island Lighting Company, Queens Borough Gas and Electric Company, and Nassau & Suffolk Lighting Company; File No. 54-136.

The Commission having on November 16, 1949, approved a plan filed under section 11 (e) of the act proposing the consolidation of Long Island Lighting Company, then a registered holding company, and two of its public-utility subsidiary companies, Queens Borough Gas and Electric Company and Nassau & Suffolk Lighting Company and the recapitalization of the resultant consolidated corporation, which was to be known as Long Island Lighting Company;

The amended plan having provided that the payment of fees and expenses in connection therewith be subject to the approval of the Commission, and the Commission in its order of November 16, 1949, having reserved jurisdiction over the payment of such fees and expenses; and

Applications for allowances of fees and reimbursement of expenses having been filed, a public hearing having been held, a recommended findings and opinion having been filed by the Division of Public Utilities, to which exceptions and supporting briefs were filed by various applicants, and the Commission having heard oral argument; and

The Commission having considered the record and having by orders dated July 30, 1952, and November 24, 1952, released jurisdiction over payment of fees and expenses of certain applicants and having this day issued its findings and opinion with respect to the remaining applications; on the basis of such findings and opinion:

It is ordered, That the payment by Long Island Lighting Company of the following fees and expenses be, and it hereby is, approved and said company be, and it hereby is, authorized and directed to make such payment:

	Fees	Expenses
Long Island Lighting Co. 7 percent and 6 percent preferred stockholders group: Carl C. Brown, statistical adviser	$2,000	$13,166.06
Protective committee for holders of common stock of Long Island Lighting Co.:		
Harold G. Aron, counsel	7,500	5,439.94
B. F. Grizzle, member	500	6.00
Queens Borough Gas & Electric Co. preferred stockholders committee: Ivan Wright, member	1,500	

It is further ordered, That the applications of Maurice B. & Daniel W Blumenthal, and John D. Sullivan, Franklin C. Salisbury J. Donald Halsted, E. M. Nichols, Robert G. Knott, Raymond A. Ransom, Melvin W Pettit, and Charlotte J. Pettit (deceased) be, and they hereby are, denied as claims against the Long Island Lighting Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-1528; Filed, Feb. 16, 1953; 8:45 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Defense Manpower Policy No. 4, Amdt. to Notification 9]

PLACEMENT OF PROCUREMENT IN THE POTTSVILLE, PA., AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The first paragraph of the findings and recommendation of the Surplus Manpower Committee concerning the Pottsville, Pennsylvania, area under Defense Manpower Policy No. 4 (17 F R. 2205) is amended to read as follows:

Under date of February 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee under Defense Manpower Policy No. 4, the existence of the Pottsville area as a surplus labor area under standards established by the Secretary of Labor. The Pottsville area is composed of Schuylkill County, that portion of Carbon County comprising the boroughs of Lansford, Summit Hill, Mauch Chunk, and East Mauch Chunk and the township of Mauch Chunk (which includes the communities of Nesquehoning and New Columbus)

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Acting Director

[F. R. Doc. 53-1609; Filed, Feb. 13, 1953; 3:00 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27793]

COMMODITIES BETWEEN POINTS IN TEXAS (INTERSTATE)

APPLICATION FOR RELIEF

FEBRUARY 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by Lee Douglass, Agent, for carriers parties to his tariff I. C. C. No. 807.

Commodities involved: Junk, viz: scrap iron or steel, in carloads, as described in Item 6060-C of the aforesaid tariff.

Between: Points in Texas, including border points applicable on interstate traffic.

Grounds for relief: Circuity, additional commodities, to meet intrastate rates, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Lee Douglass, Agent, I. C. C. No. 807, Supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-1535; Filed, Feb. 16, 1953; 8:47 a. m.]

[4th Sec. Application 27794]

COAL FROM WESTERN KENTUCKY MINES TO LAWRENCE SIDING, S. DAK.

APPLICATION FOR RELIEF

FEBRUARY 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Lump and fine coal, carloads.

From: Louisville and Nashville Railroad mines in the western Kentucky district.

To: Lawrence Siding, S. Dak.

Grounds for relief: Rail competition, circuity, and additional routes.

Schedules filed containing proposed rates; C. A. Spaninger, Agent, I. C. C. No. 1224, Supp. 34.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-1536; Filed, Feb. 16, 1953; 8:47 a. m.]

[4th Sec. Application 27795]

WOODPULP FROM THE SOUTH TO CLARENCE CENTRE, N. Y.

APPLICATION FOR RELIEF

FEBRUARY 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Woodpulp, now powdered, n. o. i. b. n., carloads.

From: Points in southern territory.

To: Clarence Centre, N. Y.

Grounds for relief: Rail competition, circuity, additional destination, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1260, Supp. 28.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53-1537; Filed, Feb. 16, 1953; 8:47 a. m.]

[4th Sec. Application 27796]

VERMICULITE FROM HIGH POINT, N. C. TO POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Vermiculite, other than crude, carloads.

From: High Point, N. C.

To: Points in southern territory within 250 miles of origin.

Grounds for relief: Rail competition, short or weak line carrier, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 715, Supp. 273.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53-1538; Filed, Feb. 16, 1953; 8:47 a. m.]

[4th Sec. Application 27797]

MOTOR-RAIL-MOTOR RATES BETWEEN SPRINGFIELD, MASS., AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

FEBRUARY 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by The New York, New Haven and Hartford Railroad Company and Arthur A. Fogarty, Inc.

Commodities involved: Semi-trailers, loaded or empty, on flat cars.

Between: Springfield, Mass., and Harlem River, N. Y.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53-1539; Filed, Feb. 16, 1953; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19164]

JULIANE WAGNER

In re: Interest in real property owned by Juliane Wagner, also known as Juliana Wagner and others. D-28-8215.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40), Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Juliane Wagner, also known as Juliana Wagner, Karoline Klink, also known as Karoline Wagner Klink, Rudolf Wagner, also known as Rudolph Wagner, Olga Jonas, also known as Olga Wagner Jonas, Albert Wagner, Lydia Radtke, also known as Lydia Radke and Edmund Wagner, each of whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

2. That Gustav Wagner, also known as Gustav Otto Wagner and as Gustave Wagner, and Wanda Marie Wagner, nee Litke, his wife, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany),

3. That the personal representatives, heirs, next of kin, legatees and distributees of Gustav Wagner, also known as Gustav Otto Wagner and as Gustave Wagner, and of Erdmann Wagner, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany)

4. That the property described as follows: An undivided twenty three-twenty fourths interest in Lot numbered Fifteen (15) in Block numbered Seven (7) in Hopkins' Subdivision, being a subdivision of part of the South West Quarter (SW ¼) of Section numbered Nineteen (19) in Township numbered Seven (7) North, of Range numbered Twenty two (22) East, in the City and County of Milwaukee, State of Wisconsin, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

5. That the national interest of the United States requires that the persons named in subparagraphs 1 and 2 and referred to in subparagraph 3 be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 4 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 9, 1953.

For the Attorney General.

[SEAL] ROWLAND F KIRKS,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 53-1551; Filed, Feb. 16, 1953; 8:49 a. m.]

[Vesting Order 19169]

LOUIS PETERS

In re: Estate of Louis Peters, a/k/a Leo Peplinski, deceased. File No. 017-1374.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That Anton Peplinski and Agnes Peplinski, nee Becker, whose last known addresses are Germany on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Johann Peplinski, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

3. That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Louis Peters, a/k/a Leo Peplinski, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by the Treasurer of the City of New York acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

5. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Johann Peplinski, deceased, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 11, 1953.

For the Attorney General.

[SEAL] ROWLAND F KIRKS,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 53-1504; Filed, Feb. 13, 1953; 8:54 a. m.]

DAVID RUDNAI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Davis Rudnai, Berlin, Germany; Claim No. 35729; $502.16 in the Treasury of the United States.

Executed at Washington, D. C., on February 11, 1953.

For the Attorney General.

[SEAL] ROWLAND F KIRKS,
Assistant Attorney General,
Director Office of Alien Property.

[F R. Doc. 53-1552; Filed, Feb. 16, 1953; 8:49 a. m.]

EDUARD UDO GUSTAV RUKSER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Eduard Udo Gustav Ruksor, Quillota, Chile; Claim No. 37136; property described in Vesting Order No. 201 (8 F R. 625, January 16, 1943), relating to United States Letters Patent No. 2,283,285.

Executed at Washington, D. C., on February 9, 1953.

For the Attorney General.

[SEAL] ROWLAND F KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-1553; Filed, Feb. 16, 1953; 8:49 a. m.]